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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 29 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 29 octobre 2002

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

ONTARIO CHIEFS OF POLICE

Mr Rick Bartolucci (Sudbury): I rise today to welcome the Ontario Association of Chiefs of Police to Queen's Park. Certainly we're happy that they're here helping to raise awareness of policing issues like the integrated justice project, how to fight organized crime, police recruitment, and the very important issue of traffic.

We want to note especially the four northern chiefs who are here, people from northern Ontario who are doing a remarkable job at ensuring there is confidence in our police community. I think of Robert Davies, the chief of Sault Ste Marie, whose unique integrated educational experience with Lake Superior State and Sault College is truly something that we should all be very proud of; Bob Herman from Thunder Bay, whose community-based policing project has instilled confidence in the people in Thunder Bay; George Berrigan, whose public participation forums have enhanced the positive aspects of policing; and of course Sudbury's own Ian Davidson, whose initiative against elder abuse will be a model for this entire province to follow.

In short, our chiefs of police have something very positive to offer all Ontarians and they deserve the respect that this House will give them today. But also, in the broader community, they should know we all appreciate them very much.

FAG BEARINGS

Mr Bert Johnson (Perth-Middlesex): I too would like to welcome the chiefs to our Legislature today.

We have heard a lot over the last few weeks about lowering greenhouse gas emissions and how, according to the opposition, this government's restructuring of the electricity system will raise those emissions.

Today I want to tell the House about a company in my riding of Perth-Middlesex which is doing its part to lower greenhouse gas emissions and how the Ontario government has facilitated that.

Stratford-based FAG Bearings, a major supplier of bearings to the North American automotive and aero-

space sectors, has opted to purchase Ontario Power Generation's Evergreen Energy. Evergreen Energy is produced using renewable resources like wind, solar, biomass and small hydro generation.

Frank Lang, president and CEO of FAG Bearings, said, "We are always looking for innovative ways to support the environment, and buying green electricity for our operations will help promote additional electrical generation from renewable resources. We are very pleased that Ontario Power Generation offers consumers like us this environmentally friendly energy option."

That option to buy green electricity can only be available in an open market where consumers can choose to buy their energy based on how it's produced.

I want to take this opportunity to recognize and congratulate FAG Bearings for leading by example and thank them, on behalf of all members of the House and all residents of Ontario, for choosing to use green electricity.

POLICE SERVICES

Mr Dave Levac (Brant): I rise in the House today to speak on behalf of Dalton McGuinty and the Ontario Liberals to recognize the Ontario Association of Chiefs of Police here at Queen's Park today. We welcome the chiefs and thank them for their important and difficult work.

I am pleased to have this opportunity to highlight some important issues surrounding policing in Ontario. We have been calling on this government to assist municipal police services by providing stable funding for the needs of the communities they serve. Instead, many smaller communities that have municipal police services have been starved of resources, causing restructuring that doesn't always fit small-town Ontario. I am calling on this government to conduct an evaluation of police services restructuring to ensure our Ontario communities have the best services possible and the funding to provide them.

I am also concerned today with the demands placed on our police services to transport prisoners to Ontario's so-called mega-jails. This is taking the resources of the front-line officers off the streets of their communities, at an outrageous cost to police services and communities.

It was interesting to hear the Minister of Public Safety and Security announce new funding this morning for additional police personnel to deal with criminal intelligence, but only on the condition that the municipality can

afford to share half the cost, and capped at \$30,000 per officer.

It is time that this government recognized the value of our front-line emergency personnel and our police and made a commitment to providing the adequate tools and funding necessary to protect Ontario citizens. Again, I look forward to our discussions, and we will work with you.

ONTARIO WETLAND HABITAT FUND

Mr John O'Toole (Durham): I'd like to pay tribute to the hard work of the Ontario wetland habitat fund and its supporters across Ontario. The fund's 500th landowner celebration was held in my riding of Durham at the Woodside Farm. This is a fourth-generation family farm owned and operated by Jennifer and Robert Henderson. On Monday, October 28, my assistant, Sheryl Greenham, represented me at the Hendersons' as they became the 500th landowner to participate in the Ontario wetland habitat fund program.

The farm includes a 10-acre marsh at the headwaters of the Ganaraska River. The Hendersons wanted to fence cattle out of the wetland and surrounding woodland, which is currently home to a variety of wildlife, including wood ducks, turkeys, bullfrogs and a number of other species. By protecting Ontario's marshlands, we are promoting ecologically sound landscapes that benefit wetland waterfowl and wetland wildlife, as well as people.

The Ontario wetland habitat fund is a landowner-based stewardship that now protects 23,000 acres across Ontario. It provides technical and financial assistance for hands-on wetland conservation projects on private land. I would also like to thank and congratulate Herb and Linda Gasser, who are members of the wetland fund, and Irv Harrell, another Durham riding resident who also participates in the program.

I'm pleased to note that my neighbour, the Honourable Jerry Ouellette, Minister of Natural Resources, was present. The ministry has contributed \$850,000 to the wetland fund and Wildlife Habitat Canada has contributed over \$1 million. I'd like to thank Jean Cinq-Mars of Wildlife Habitat Canada for joining in the celebrations, along with councillors Charlie Trim and Gord Robinson of Clarington council, as well as Mike Barker of the Ontario wetland habitat fund. This is a very worthwhile project, and I commend the residents of my riding.

RACIAL DISCRIMINATION

Mr Gerry Phillips (Scarborough-Agincourt): I wanted to congratulate Toronto Police Chief Fantino for asking Justice Dubin to prepare a report on the issue of the relationship between Toronto Police Service and the Black community. The issue of our Black community's relationship with the police will require enormous sensitivity by all of us and a recognition that it is a far broader issue than just a police issue.

I have these views: just like in any community, the overwhelming majority of the Black community—like 98%—are decent, law-abiding citizens, and we cannot allow an entire community to be stigmatized by a small group of criminals within that community. Young Black males do face discrimination on a daily basis, much of it unintended, but real. If you see three Black males on a corner at 10 o'clock at night, I think they're treated differently from three white males by all of us, myself perhaps included. A young Black male enters a store at night and he is treated differently. This has to have an effect on a young person.

How we solve this, I don't know. I do not believe our police forces to be racist, but I do believe that if there are two identical young men in the same type of car, wearing the same clothes, and one is white and one is Black, the Black young man is more likely to be pulled over by the police. So I would urge all of us to accept that there is a problem, that the problem is complex, and to seize this moment to now look for long-term solutions that will involve far more than our police services.

EDUCATION

Mr Rosario Marchese (Trinity-Spadina): I just want to say to the public watching that last night I went to an education forum at the Scarborough Civic Centre. It was a very successful meeting. There were about 80 people there, the usual number of people who care passionately about education. They did say, of course, that they invited the Conservative members, but none showed up. Every meeting I go to on education, it's difficult to find a Conservative member who is willing, ready and able to come and debate.

Interjection: Missing in action.

Mr Marchese: Always missing in action. You can never find one Tory who is willing, able and ready to come and debate educational issues, and there are so many of them.

Does it surprise anybody watching that this should be the case? It shouldn't, because that is always, as a matter of fact, the case. Not one of them, and there are so many—look at them.

They talked about special education, they talked about the English-as-a-second-language program, they talked about gym, they talked about music, they talked about librarians, they talked about international languages. They talked about so many important issues that connect to the public. I have to tell you that I'm surprised there are so many people with so much energy to defend public education in spite of the fact that these people never listen and in spite of the fact that they never show up.

1340

SCULPTURE PROJECT

Mr Bill Murdoch (Bruce-Grey-Owen Sound): I rise in the House today to share with everyone more background about "The Fish are Here" campaign on

behalf of the Walkerton Tourism Recovery Partnership Committee. The fish sculpture campaign came from the idea by Chris Hughes, tourism coordinator for the county of Bruce. It compares to a similar campaign when Toronto first introduced the moose campaign. Placed at various locations, they were decorated in different colours and designs.

This campaign involves 12 large fish sculptures, each one located in a high-traffic area throughout the counties of Bruce and Grey. The surrounding municipalities were contacted to take ownership of the sculptures, find a location and maintain it for the future. A paint-the-fish contest was held, requesting artists to submit a full-colour sample of how they would design their sculpture. Twelve local artists were selected from all the artwork submitted.

The exhibit has taken countless hours of preparation and effort from a team of hard-working people. It is promoted through an extensive marketing campaign to encourage visitation by local residents and visitors. Tourism directors will promote the exhibit for Grey and Bruce. They will include information about the fish sculptures in promotional materials when attending trade shows. Visitors will receive a passport with the location of each sculpture and are able to tour the area and view sculptures.

I invite everyone to come to Grey-Bruce and tour the fish sculpture exhibit. I mentioned this last week and I mentioned the artists. I just want to congratulate them again.

PREMIER OF ONTARIO

Mrs Sandra Pupatello (Windsor West): When it comes to being wishy-washy, when it comes to flipping and flopping, when it comes to saying absolutely anything at any time, the man of the hour is Ernie Eves. Where does Ernie stand on Hydro One? Does he want to sell it, or doesn't he? Who knows? We do know that Dalton McGuinty is clear: keep Hydro One in public hands.

Where does Eves stand on education? He's willing to let private schools dictate education policy. He's willing to cut special education teachers. Dalton McGuinty has a plan that will put our kids first. He'll cancel the private school voucher, keep kids in school until they are 18 or graduated, will have turnaround teams for schools in trouble, guarantee better test results and improve child care.

Where does Ernie Eves stand on health care? He was in favour of two-tier, then he backtracked to one-tier, and now he's back to two-tier on health care. Dalton McGuinty says no to two-tier on health care. He has a plan to reform primary care, one that will actually work. He'll put his plan forward to get foreign-trained doctors actually working. He put a plan forward more than a year and a half ago.

Where does Ernie stand on clean air? Nowhere. He's straddling the fence while 1,900 people die every year. Dalton McGuinty has a clear plan to close dirty coal plants, bring more jobs to Ontario farmers, clean up our

gasoline and get more electricity supply on-line. Ernie Eves spins more than a washing machine.

NORTH BAY POLICE SERVICE

Mr AL McDonald (Nipissing): Today I rise before the House to bring attention to a very worthwhile event that took place in my riding of Nipissing this past weekend. On Saturday a public consultation was held to discuss policing issues in North Bay. It was extremely well attended. Over 100 community leaders participated in discussions that proved to be very positive.

The police services board had many strengths identified, including strong community partners in and out of the judicial system with specific strengths that deal with victims of crime. They are very much a hands-on type of organization in which the officers are seen in and around the area, participating in fundraising and local neighbourhood events.

This great team was led by none other than Chief George Berrigan. His great team included Amelia Rising, the Transition House, VCARS and the crown attorneys' office, along with many others who made this public consultation happen and indeed succeed. They are all strong advocates of listening to local people and receiving input on how to make North Bay and surrounding areas run smoothly.

The North Bay police force has been in existence since 1892, and currently has 90 sworn members and approximately 35 civilians. They're a progressive organization that is well known for their work in our community. Our community has definitely benefited from the presence of the North Bay Police Service. I would personally say how pleased I am to have such a wonderful organization on our side. North Bay is one of the safest places to live in Ontario, thanks to our local police force and their willingness to hear the community's concerns.

On a point of order, Mr Speaker: If I could, I'm very pleased to introduce a community leader, a phenomenal volunteer and the chief of police for the city of North Bay, George Berrigan.

The Speaker (Hon Gary Carr): Maybe we could welcome all the chiefs. I know a lot of the members have the chiefs here. If we could do it once and welcome all of the chiefs: we're very honoured to have you here today.

INTRODUCTION OF BILLS

SAFE DRINKING WATER ACT, 2002

LOI DE 2002 SUR LA SALUBRITÉ DE L'EAU POTABLE

Mr Stockwell moved first reading of the following bill:

Bill 195, An Act respecting safe drinking water /
Projet de loi 195, Loi ayant trait à la salubrité de l'eau potable.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The minister for a short statement?

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I'll defer until ministerial statements.

AUTISM AWARENESS MONTH ACT, 2002

LOI DE 2002 SUR LE MOIS DE SENSIBILISATION À L'AUTISME

Mr Wood moved first reading of the following bill:

Bill 196, An Act to proclaim Autism Awareness Month / Projet de loi 196, Loi proclamant le Mois de sensibilisation à l'autisme.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for London West for a short statement?

Mr Bob Wood (London West): This bill proclaims October in each year as Autism Awareness Month. The passage of this bill will help those interested in autism issues to work with the government of Ontario, school boards and other entities to promote better understanding and treatment of autism.

The Speaker: Motions?

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move that, notwithstanding the order of the House dated October 29, 2001, Bert Johnson, member for the electoral district of Perth-Middlesex, be appointed Deputy Speaker and Chair of the Committee of the whole House; Mike Brown, member for the electoral district of Algoma-Manitoulin, be appointed First Deputy Chair of the Committee of the whole House; and David Christopherson, member for the electoral district of Hamilton West, be appointed Second Deputy Chair of the Committee of the whole House.

The Speaker: I'm informed that without notice, the minister needs consent to move that.

Hon Mr Stockwell: I apologize. I seek consent to do that.

The Speaker: Is there unanimous consent? I'm afraid we didn't get unanimous consent.

1350

STATEMENTS BY THE MINISTRY AND RESPONSES

SAFE DRINKING WATER LEGISLATION

Hon Chris Stockwell (Minister of the Environment, Government House Leader): May 2000 marked a tragic turning point in how we think about our drinking water. When seven people died and thousands more became ill from drinking water that had been contaminated with E coli, it was the gravest wakeup call our nation could have had. In the aftermath, our government promised to make sure such a tragedy would never happen again.

We continue to honour that promise today by introducing the Safe Drinking Water Act, 2002, for first reading.

The act carries on with the decisive actions our government has taken to protect Ontario's drinking water since the summer of 2000. It also marks a major step forward in implementing the recommendations made by Commissioner Justice Dennis O'Connor in his Report of the Walkerton Inquiry, parts one and two.

In recommendation 67, Commissioner O'Connor stated, "The provincial government should enact a safe drinking water act to deal with matters related to the treatment and distribution of drinking water."

I stand before you today to deliver on this recommendation specifically, and 49 more, through the proposed act.

In addition to honouring this government's commitment to safe drinking water, we are also announcing the first step of our bold plan to develop a watershed-based source protection framework in Ontario. Watershed-based source protection plans would be required and approved by the government to protect drinking water sources, as per O'Connor's recommendation. These plans would bring us one step closer to comprehensive watershed planning in Ontario. An advisory committee is being finalized to guide the development of a framework that will implement Commissioner O'Connor's recommendations on source protection planning.

Key organizations that will be represented include conservation authorities, municipalities, environmental stakeholders and agricultural groups. I am eager to begin work with the advisory committee so that we can begin planning ways to protect drinking water sources for generations.

I would now like to give special thanks to some of the people who have helped bring this proposed Safe Drinking Water Act, 2002, forward. Through his hard work and dedication, my parliamentary assistant, Bill Murdoch, has helped make this a better piece of legislation; the member from Bruce-Grey-Owen Sound deserves our gratitude. For her work on a private member's bill that became an integral part of our proposed act, I would like to thank my colleague Marilyn Churley; the member for Toronto-Danforth should be applauded for her efforts and receive appropriate credit.

I was asked by Premier Eves to work with the member across the floor to ensure that the act we develop creates strict new safety standards and enhances the Ministry of the Environment's monitoring, reporting and enforcement powers. I believe the Safe Drinking Water Act achieves these goals.

I would also like to take this opportunity to acknowledge some visitors to the gallery who have been consulting with us on our comprehensive water strategy. From the Ontario Municipal Water Association, we have President Sharon Crosby and some of her directors. From the Ontario Water Works Association, I'd like to welcome Tim Lotimer as well. From Conservation Ontario, we have Executive Director Dick Hunter. Thank you for

being here today and for helping with this bill. Your comments and feedback surrounding our clean water initiatives have been well taken.

If passed, the act would require mandatory licensing and accreditation of laboratories that perform drinking water testing; require the minister to establish a standards advisory council, and provide authority to set standards for drinking water treatment and distribution; require the certification of all drinking water systems operators; require municipal water systems owners to meet all necessary conditions and obtain an owner's licence; hold municipalities with oversight functions to a statutory standard of care; strengthen compliance and enforcement provisions, including the creation of the new position of chief inspector; and amend section 62 of the Health Protection and Promotion Act to address vacancies of the position of medical officer of health.

Under the proposed act, the government would also be required to submit to the legislature an annual State of Ontario's Drinking Water report. We will continue to be accountable for our promises, and this report will provide a benchmark for doing that.

The proposed Safe Drinking Water Act has benefited from the ideas and comments put forward by stakeholders and members of the public alike. In addition to the extensive public process Commissioner O'Connor undertook through the Walkerton inquiry, this government has consulted broadly on technical details of the act. Further consultation will be held through upcoming legislative hearings and stakeholder meetings. I look forward to working with the opposition critics and the opposition House leaders to determine how those committee hearings will be made, where they will go, and get input from the public. The public is also encouraged to provide their comments through the Environmental Bill of Rights registry posting.

Safe drinking water remains a top priority of this government. We are committed to ensuring that Ontario has and enforces the best and toughest clean water policies in the world. We continue to make significant progress on several fronts with our clean water strategy, but there is more to be done. Our government is investing more than half a billion dollars in the next two years on clean, safe drinking water for the people of Ontario. This year alone, we are providing \$245 million, including investments to help municipalities upgrade and make improvements to their water systems to meet our tough new standards.

In addition to today's announcements, this government has proven its commitment to taking action to protect our drinking water. In June, the Nutrient Management Act received royal assent, and I want to compliment the Minister of Agriculture for that, and last month Bill 175 was introduced. The first stage of the Sustainable Water and Sewage System Act will bring municipalities together with government to assess the full cost of water and sewage services.

The second stage will allow for development of full-cost recovery plans.

Safe drinking water is a non-partisan issue, and while a healthy debate is sure to ensue on the subject, I call on all my colleagues in the Legislature to help us take a giant step forward in protecting public health. The Safe Drinking Water Act is an environmental milestone for this province. By passing it, the members of this House will make Ontario a world leader in drinking water protection and preservation.

Mr James J. Bradley (St Catharines): In response, first of all, I think we have to remember why the government is bringing in this legislation at this time, some two and a half full years after the Walkerton tragedy. We must remember this is the government that cut the Ministry of the Environment to such an extent, damaging and deep cuts, that this brought about a situation where the risk to the people of this province was drastically increased. I now quote Dr Richard Schabas, the former chief medical officer of health of Ontario: "...the Premier looked at me and I was quite certain was hearing what I was saying, we weren't more than a few feet apart, and then he basically turned away from me and ... as far as I was concerned, the Premier was turning his back on public health...."

Then we had a situation where we had, I think most people in this province would agree, some high-quality provincial regional laboratories operated by the Ministry of the Environment. A decision was made by this government, in its efforts to slash so very quickly and without giving due consideration to the consequences of that slashing, and those regional laboratories were closed. Municipalities in this province, one of them in London, I say to my good friend from London, were forced to scramble over the next six to eight weeks to find an opportunity for someone to do their water testing. No specific rules were put in place at that time. The Red Tape Commission had intimidated Ministry of the Environment officials into not even proposing some of those rules, because at that time the Red Tape Commission was looking for ways of cutting government involvement.

The Ministry of the Environment was cut: one half of the operating budget and one third of the staff were chopped by this government. Decisions were made, despite internal memos that were shown to the Conservative caucus and to the Conservative cabinet, so that what the government was doing was increasing the risk measurably. That program of cutting was still invoked by this government. The Provincial Auditor—I think we all recognize, particularly those of you who sit on the committee that's involved with the Provincial Auditor—warned of the situation facing the sources of groundwater and drinking water in this province. In addition to this, two in a row of the Environmental Commissioners, one whom you fired because she was critical of the government, Eva Ligeti, and the subsequent Environmental Commissioner you put in place, both warned of the problem.

The minister talks of a bold plan for water sources. I must say to the minister that a bold plan, after two and a

half years, to deal with the sources of drinking water in this province is not to appoint another committee to look into the matter and advise the minister. We would have expected some time ago that that bold plan would have been in effect. I think the minister recognizes as well, because he read the report and he'd be aware of it, that the present Environmental Commissioner said that in fact this government had cut, from the time it came into office to the year 2000, its number of water monitoring stations from 730 to 240, about 500 water monitoring stations cut, despite the fact that Justice O'Connor, the Provincial Auditor and two Environmental Commissioners had recommended against that, and for much more extensive monitoring. This bill deals not at all with the issue of the sources of drinking water. We must recognize that the contaminants getting into that drinking water are a major problem.

I say as well that the regulations to go along with the nutrient management legislation are nowhere near finished at this time. They're lacking in many areas. I implore the Minister of the Environment, who has that special responsibility, to look carefully at that. I think what has to happen if this bill is to be successful is that we have to have the Ministry of the Environment budget restored to what it was when this government came into office, the staffing levels and assistance to municipalities restored, and most assuredly, the immediate addressing of the problem of the sources of drinking water in this province.

1400

Ms Marilyn Churley (Toronto-Danforth): I think the question for us today is: is this glass of water half full or half empty? It's certainly not full. I want to try to take the approach that today's piece of legislation that is before us—of course, we haven't had time to study the whole thing yet, although I thank the minister for the technical briefing this morning. The glass is clearly not full. There is still a lot of work to be done.

As a backdrop, I want to mention that I brought forward a safe drinking water bill about two years ago and we're just seeing that partial bill come to the light of day now, today. Indeed the bill before us, I think to be fair, goes a long way to fulfilling the narrow definition recommendations from Justice O'Connor, specifically around the pipes and pumps in the delivery, the treatment of water. The recommendations are followed fairly closely within that definition. Of course, the devil will be in the details. We'll have to look very closely at the powers of the minister and at what is left up to regulations.

I want to point out for the record that, after the Premier announced he would be bringing forward my bill and then a decision was made to go ahead with a government bill, I was not involved in the process, although the Premier stated that this morning. I was at that point frozen out of the loop. I wish I had been involved in the process because some of the pieces that are missing from this bill were in my bill. Some of those pieces are the safe drinking water fund to make sure municipalities have enough money to be able to bring in the kinds of

requirements that come under this bill; the public's right to know; the registry I talked about; the public's ability to sue. That, by the way, can be remedied. I know Justice O'Connor didn't recommend going down that road. But if you bring the Safe Drinking Water Act under the Environmental Bill of Rights, which would then allow for investigations to be called and allow people to sue under certain circumstances, that might be the trade-off there.

What is really missing today, a big piece, what I would refer to as the hole in the bucket, is that here we are, two and a half years or so since people died in Walkerton and over 2,000 people became ill—some of those children will never recover—with a safe drinking water bill that deals with the pipes and pumps, but we have seen nothing on groundwater source protection.

I seem to recall that when Minister Clement was in the Ministry of the Environment back in 1999, he said they were working on groundwater source protection, and we saw nothing. Over the past two and a half years, all that the government, the Minister of the Environment, can bring forward on source protection—the guiding principle in Justice O'Connor's reports and recommendations is that there would be source-to-tap protection. The first 15 or 16 recommendations in his part two report talk specifically about source protection.

I have to point out to the minister today that I will be making amendments to this bill. I am going to want to see much more quickly, as are the people of this province and the people in Walkerton, the next piece of legislation, and that is source protection. Amend the EPA, as Justice O'Connor recommended. Do not wait for yet another committee.

It's astounding to find out that this advisory committee hasn't even been set up yet. It's like we're starting from ground zero here. After all this time we do not have a comprehensive piece of legislation before us today, and after what happened in Walkerton, that is unacceptable.

I want to say to the government that I'm happy to see, finally, that a safe drinking water bill was brought forward today. I will be reading it carefully. In particular, I am calling on the minister to make sure we have comprehensive public committee hearings clear across the province so the public can have a say in how this bill comes out at the end.

VISITORS

Hon David Young (Attorney General, minister responsible for native affairs): On a point of order, Mr Speaker: I knew that you would want to know that Professor Gerald Gall is in the Speaker's gallery today. Last week, Professor Gall was made an Officer of the Order of Canada, and that was done by reason of the fact that he has been a tireless worker for individuals in this country and across the world. He is an individual who is well known as an expert on civil liberties and civil rights, and he has dedicated much of his life to that cause. He's

accompanied here today by Karen Gall and their son, Andrew, they being my sister and nephew respectively.

Mr Tony Martin (Sault Ste Marie): On a point of order, Mr Speaker: I just thought people might be interested to know that Nancy Steele and Bill MacPherson, the grandparents of Alexander Steele, the page from Sault Ste Marie, are in the gallery today.

Mrs Sandra Papatello (Windsor West): On a point of order, Mr Speaker: If I may, I'm happy to introduce very prominent members of Windsor's Jewish community who are here at Queen's Park in the members' gallery. Mr Gary Katz, Ms Sharon Kaplan and Dr Plant, welcome to the House.

ORAL QUESTIONS

WATER QUALITY

Mr James J. Bradley (St Catharines): I have a question for the Premier. Today I watched with great interest as the Premier, with the appropriate backdrop, made his announcement, along with the Minister of the Environment, about a Safe Drinking Water Act.

I noted one exception: I know that his pangs of conscience were certainly present in the statements he made, but there was one particular part of the package that was recommended by Justice O'Connor, recommended by, shall we say, the Provincial Auditor and by two Environmental Commissioners, and that dealt with the sources of drinking water. The main criticism today that has been levelled too, and I think justifiably, is that after two and a half years all you have decided to do about the sources of drinking water, that is groundwater protection, is in fact to appoint yet another committee.

Could the Premier tell us why that was not included in the bill or in a bill previously presented to this House?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): First of all, the honourable member will know that Mr Justice O'Connor recommended different treatment for source groundwater and for the sources of water in the province, and we are following his recommendation in that regard.

I've had several discussions about this issue with the secretary of cabinet and others. We are undertaking the largest accounting and documentation of watershed and sources of water ever undertaken in the province of Ontario. The honourable member will surely understand, being a former Minister of the Environment himself, that this takes a considerable period of time. But we are treating the issue seriously and we are, as he has pointed out, asking independent advisory groups to give us their advice in the committee on this issue.

1410

Mr Bradley: If the Premier were treating this matter seriously, as he says, he would have noted in the latest report of the Environmental Commissioner the following statement: "In much of southern Ontario and especially

in southwestern Ontario, we know there is a problem with water quality in streams and rivers.... Remarkably," Ontario's "water quality monitoring system has been largely abandoned without the causes of poor water quality ever being addressed. I suspect that the problem may be worse than ever. But I can't say that for sure because the data is simply not available."

Under your watch as the Minister of Finance and now as Premier—particularly as Minister of Finance—the number of monitoring stations on waterways in this province was reduced from 730 to 240. Almost 500 monitoring stations on our rivers, lakes and streams have been reduced. Could the Premier explain why that would be, if they're so concerned as a government about the protection of our water supply?

Hon Mr Eves: I think the Minister of the Environment has a response to this particular question.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): In fact, it's been increased by another 90, I think, and the member opposite knows it has. We are in the process of implementing the recommendation from the Environmental Commissioner with respect to the monitoring stations. We've increased it, I think, by 90; it's up to 350. We've done a lot of work, in my opinion, to ensure that the water monitoring stations are in fact there. I can only say to you that we are going to continue to do that. Even the commissioner himself said he didn't know how many water monitoring stations are needed. He wasn't certain either.

By working with these associations and groups, we're just trying to determine exactly how many are needed. Maybe it's 400, maybe it's 500, maybe it's 750. But the fact of the matter is, we have to work to get this strategy together to determine how many you need.

Mr Bradley: Could the minister explain to all members of this House—or the Premier, one of the two; whoever wishes to answer this—I guess I'll address it to the Premier. He was the chief spokesperson today. Can you explain, if groundwater protection is so important, if you want to find out what's going into that groundwater or even surface water that you have out there, why on earth would you as a government reduce the number of water monitoring stations? I know you say you've added 90 since then, but why would you have reduced them from 730 to 240? Why on earth would you do that when the Provincial Auditor, two Environmental Commissioners and of course latterly Justice O'Connor have all said that you have to get a handle on this, and one of the ways to do it is to determine what's going into the waterways, and address that? Why did that reduction take place?

Hon Mr Stockwell: The question could be put to the ex-Minister of the Environment for five years in Ontario: why didn't you do a watershed-based management protection study at all? Why didn't you deliver a water-based strategy, period? You didn't do anything. You didn't deliver a water-based strategy study. The NDP didn't produce a water-based strategy either.

I say to the member opposite, the government is actually doing the work, working with AMO, working

with the Ministry of Agriculture, working with the conservation authorities. All I've suggested to you is, you have to determine how many stations to have. So I look to the member opposite and say, for five long years, while you were Minister of the Environment, why didn't you even think about having a water-based protection strategy? It's beyond me that you couldn't have come up with the one approach that would have helped the situation: a water-based strategy. You never even thought of this and the NDP never even thought of this.

PICKERING NUCLEAR GENERATING STATION

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Premier and it concerns my growing worry about the increasingly serious, if not critical, situation at Pickering A. Only four and a half months ago, on June 6, 2002, our Provincial Auditor, the watchdog of public finances in the province of Ontario, said this to the members of this Legislature:

"I would urge the Ontario government as a shareholder to take a very active interest in the cost overruns and delays being experienced in restarting Pickering A. These delays could drive up electricity prices and the cost overruns could negatively affect Ontario Power Generation's cash flows and its contributions to reduce the stranded debt of the old Ontario Hydro."

Premier, as leader of the government of Ontario, why are you and your colleagues in the government so unwilling to allow immediate public hearings on precisely what is going on at Pickering A? What are the real reasons for the delays? What are the true costs and what are the short- and intermediate-term implications of the very serious situation developing about 30 kilometres east of this very place?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): First of all, if this was an easy issue, there would be hundreds of people who could answer the question in 10 seconds or less. Obviously this is not an easy issue. This is an issue of the nuclear generation of power, which is extremely complicated.

Obviously OPG has grossly underestimated—by their own admission, by the admission of the CEO yesterday in a speech—the cost of doing the required work at Pickering and has underestimated the date by which it would come on line. But let there be no mistake, this is not an easy issue to resolve and it does take expertise to resolve the issue. I don't see any of that expertise in the Legislature on either side.

Mr Conway: Let me agree with my colleague the Premier. I know better than most of you that this is not an easy problem. Let me remind you that five years ago, under the able leadership of Derwyn Shea, we had a select committee looking at the problem that brought the old Ontario Hydro to its knees, and we are reliving that nightmare now again. It is exactly the same situation, only with this difference: the hydro debt is going up, not

down. Consumer pain is everywhere and it's going to get worse before it gets better.

Three weeks ago the independent electricity referee, the Independent Electricity Market Operator, said, on October 7, 2002, "There is a serious shortage of generating capacity to meet Ontario's growing electricity demand, and if steps are not taken soon, the next few months and next summer will be worse than what we've just come through." The auditor has begged us, as the responsible owners of Pickering A, to take a more active interest in understanding the problem.

Premier, what on earth have we got to hide? The public knows it has an obligation to pay. The public has a right to know what is going on and how big the bill will be. Will you now agree—

The Speaker (Hon Gary Carr): Order. The member's time is up.

Hon Mr Eves: First of all, the Minister of Energy is indeed trying to find out exactly what is going on at OPG with respect to Pickering.

I would say, with respect to the independent market operator, that the honourable member neglected to talk about the report, the 18-month outlook that was released late last month, on September 24, talking about energy production in this province. It said that the capability "is generally expected to be well above energy demand levels in each month of the outlook period," that being the next 18 months. "No additional energy is expected to be needed to meet the Ontario forecast energy demand." That paints quite a different picture than you just painted in your question of a moment ago.

Mr Conway: I say to my friend the Premier that the October 7, 2002, report from the independent market operator paints a very worrisome situation, and that's before it was generally understood how serious are the delays and cost overruns at Pickering A.

Yesterday, in OPG's third-quarter report, we find out now that our company, OPG, the successor company to the old Ontario Hydro, the company that controls 70% of the electricity marketplace today, the company that has more to do with keeping prices high than anybody else—do you know what they're now doing, according to this report? We are selling valuable hydroelectric assets like the Mississagi asset, and we are taking the income reported in the third-quarter statement yesterday, \$100 million worth of asset sale revenue, and we're not doing what you said you would do, that you'd take that money and write down the billions of dollars of debt. No, you're not doing that. You're taking that money and giving it to the company, OPG, for operating expenses at Pickering.

All I'm asking for is simply this: we can't let Ontario Power Generation, with its record in the nuclear business, be both player and referee in this game that is so critically important to Ontario consumers of electricity and to Ontario businesses. Premier, please tell the electricity ratepayers that you're going to give them—

The Speaker: Order. The member's time is up.

Hon Mr Eves: Indeed, there is a plan in place to pay down and pay off the residual stranded debt of the old

Ontario Hydro by the year 2015, I believe it is. That plan is in place.

With respect to the comments he makes about the generation capacity in the province of Ontario, the very independent market operator he is quoting now has said that over the next 18 months, barring some grossly unforeseen circumstance, there will be an excess of capacity in the province of Ontario, for the next year and a half.

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HYDRO RATES

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Premier, your hydro deregulation and privatization scheme is causing incredible pain for small business owners across the province. Yesterday we talked with Cheryl Frenette, who owns Hilltop General Store, near Sault Ste Marie. Her hydro bill for the store this summer went from \$1,400 to \$3,300. She says that if she gets another two or three hydro bills like that, she will have to close down her store. Premier, where do you expect Cheryl Frenette to find an extra \$1,900 for her monthly hydro bill?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): First of all, the honourable member is aware of the circumstances that have gone on with respect to the weather, the usage of power, in the province during the months of July, August and September. He's also aware that prices were below what they were before the market opened for the months of May and June. He is aware, of course, that they were above in July, August and September.

He is also aware that on half the days during the month of October, the price has been below what the price of power was before then. There is a commitment on behalf of OPG, on behalf of the government, to offer a rebate program to consumers for the cost of producing power by OPG in excess of 3.8 cents a kilowatt hour despite the fact that the average price before the market opened was 4.3 cents per kilowatt hour.

Mr Hampton: Well, Premier, Cheryl Frenette has heard your excuses. She said to me, "Does the Premier honestly believe that Ontario has never had a hot summer before?" This is a person who is faced with losing her business, and there are dozens of others across this province. Take Dave's Fish Market in Burlington or the Asian Food Store in Rexdale, or Ramundo's Deli in Welland, or Dalseg's Trading Post in my own riding—all of them small businesses, and all of them can't afford to pay their hydro bills, Premier. It's got nothing to do with a hot summer. It's got everything to do with your scheme of hydro privatization and deregulation. In Algoma district 4,000 people have signed petitions, just in the last 30 days, opposing hydro privatization and deregulation.

What these small businesses want to know is, why are you reaching in and taking the money right out of the till? When are you going to recognize that the problem is

hydro privatization and deregulation and stop it now? That's what they want to know.

Hon Mr Eves: The leader of the third party is well aware that this summer was the hottest summer on record since 1955. This stuff isn't made up. If he spent any time in Ontario in the months of July, August and September, he would know that was the case.

There are two things that result in the cost of your hydro bill: the cost per kilowatt hour and the amount of hydro you use. Obviously, if you use twice as much hydro, the cost is going to be twice as much. Having said that, we have a rebate program that is going to rebate consumers the price they have paid over the suggested price, but I do want to remind the honourable member about what his government did when it was in power.

Interjections.

Hon Mr Eves: Well, he was the Attorney General. He sat at the cabinet table. He obviously agreed with all these decisions of the Rae government. You let the debt of Hydro go up by in excess of \$3.5 billion, like you did all the other debts that the province had. You let that go from \$39 billion to over \$100 billion and you leave it for your children, grandchildren and great grandchildren to pay: "Don't bother me with the facts. We'll just keep on running up deficits of \$10 billion to \$14 billion a year and Hydro \$3.5 billion—"

The Speaker (Hon Gary Carr): Order. The Premier's time is up.

Mr Hampton: Premier, if you won't listen to those small businesses, maybe you'll listen to this other person who is very concerned about hydro prices. His name is Gary Carr. He is the MPP for Oakville, who admits that he is circulating a petition calling for a hydro rate freeze and a review of the government's hydro deregulation policy.

He says your arguments are all wrong: "It's true we had a very hot summer, but that alone doesn't explain the tremendous hikes people see in their current hydro bills." He also says, "If deregulation results in the highest hydro rates we've seen before now, I don't see much benefit to that, and neither do the people of Oakville."

Premier, your own MPPs are saying it's obvious something is drastically wrong with hydro deregulation. If your MPPs can figure it out, why are you so slow? Why can't you figure it out?

Hon Mr Eves: We know what your solution was, and that was to run up all kinds of debts by well over \$100 billion. If anybody thinks that isn't costing the people you're talking about a lot of money—the interest on the debt alone is \$9.3 billion a year, thanks to you and your government, in large part. You managed to virtually triple the amount of the debt of the province of Ontario and run up Hydro debt and run up workers' compensation unfunded liability, all in a matter of five years. You undid what had been done since Confederation in five short years. That's how you didn't solve those problems.

Unfortunately, I can't refer a question to the Speaker of the House.

Mr Hampton: Mr Speaker, I think the Premier took a shot at you.

PICKERING NUCLEAR GENERATING STATION

Mr Howard Hampton (Kenora-Rainy River): Premier, I want to talk about your other debt boondoggle: Pickering. The CEO of Ontario Power Generation now admits they are \$2.5 billion over budget on Pickering, and we also know that this is increasing Hydro's debt.

Conservative governments had the original love affair with nuclear power. Remember Darlington? You said it was only going to cost \$5 billion, and when you and the Liberals finished, it cost \$15 billion, a \$10-billion cost overrun. You'll also remember that during the 1980s it was discovered that Pickering was costing hundreds of millions of dollars each year in maintenance costs that were not supposed to happen with nuclear power. That's all history. That was all learned.

Your strategy, besides hydro privatization and deregulation, seems to be to dump it all back into nuclear. My question to you is, can you tell us why you didn't learn from the mistakes in the first place? Why do you want to repeat this mistake of billion-dollar debts on nuclear power?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I don't think there's a single party in this Legislature that is blameless in terms of Pickering and the cost of nuclear power. I seem to recall two Premiers named Peterson and Rae who did a pretty good job of racking up increased debt for Ontario Hydro through spending more money completing nuclear facilities when they were Premiers. I can see lots of members on all sides of the House who were members of cabinet in those eras who helped us get where we are today.

We are actually doing something about paying off the debt of the old Ontario Hydro and being transparent and open about how we got to where we are. We got to where we are by supplying consumers in Ontario with power not at cost, which was what Hydro was supposed to do, but with power at cost minus \$38 billion.

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Mr Hampton: Premier, I know you would not want to misinform the House, and I know you would want to read the 1995 annual report of Ontario Hydro. The chairman of the board was someone named Bill Farlinger, whom you put in place. This is what Mr Farlinger said in the 1995 Ontario Hydro report. He said that during the NDP years, they were actually able to pay down Hydro's debt by \$730 million and that the debt repayments were actually increasing. This is your Bill Farlinger, the person you appointed in the summer of 1995 as the chair of Hydro, so let's be accurate about that, Premier.

But the question is this: you had an opportunity to change the direction, an opportunity to put some money into wind turbine energy, to promote an electricity conservation strategy; you had an opportunity—

Interjection.

The Speaker (Hon Gary Carr): Sorry to interrupt. The Minister of the Environment, come to order, please. You've got a Premier. The people want to hear the Premier answer. If he wants to defer to you, he will. The Premier is who the people want to hear. Yesterday it was very quiet when you weren't here, and I'd appreciate your co-operation.

Sorry for the interruption.

Mr Hampton: Speaker, he couldn't answer these questions when he was the Minister of Energy; I don't know why he has so much to say now.

Here's the story, Premier. Besides the hydro deregulation and privatization fiasco you've gotten the province into, instead of pursuing energy conservation, instead of investing in hydroelectrics and wind turbine energy, you're putting it all back into nuclear. How many times do you have to go back into nuclear before you figure out that it's very expensive and it leads to a lot of big debt? How long is it going to take?

Hon Mr Eves: First of all, I hope he knows that the numbers that he's referring to, the \$715 million that he says the debt was paid down by, was in one year, 1995. Surely he of all people will recognize a significant event that took place in June 1995. He will also remember that the government that really paid down the debt was this government, not his government. Your legacy was adding three and a half billion dollars to Hydro's debt. That was your legacy; that's what you did about it. Surely the honourable member understands that the mix of power in the province of Ontario has to be a mix that doesn't rely upon any one specific aspect—nuclear, hydraulic, fossil fuel or gas-powered. It requires a mixture of all of the above. I would agree with him: we should be investing in more green sources of generating energy.

ONTARIO POWER GENERATION

Mr Michael Bryant (St Paul's): My question is for the Premier. If you add up the salaries of the chair and the CEO at BC Hydro, it is \$313,000 a year. If you add up the salaries of the chair and CEO of Ontario Power Generation, it is in excess of \$2 million a year. I asked the energy minister in estimates about whether he thought the salaries were reasonable at OPG and he said, "I looked at the compensation packages and the verdict from an outside person said that they were reasonable." I said, "Do you accept that verdict?" and he said yes. My question for you is, do you accept that verdict? Do you think that these salaries are reasonable at Ontario Power Generation?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I'm sure the Minister of Energy has an appropriate response.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The member opposite, as I reported to him in the estimates committee, shortly after I became Minister of Energy, our Premier asked me to look at the executive compensation at Ontario Power Generation. Rather than conducting it my-

self, we brought in outside experts, people who have a lot of skill and experience with respect to executive compensation in the province of Ontario. Those outside experts, after reviewing the compensation packages of the individuals in question, confirmed that they were reasonable in the marketplace.

I disagree with the escalating salaries we've seen in a whole host of sectors across our globe. Whether it's a sports star, in business, or in medical and physician services, the reality is, we want to ensure that we can attract people who have the right competence to ensure that this company can be run well.

Mr Bryant: I don't know why you're standing beside your Hydro man Farlinger, your Hydro man Osborne. You've got nothing good to say about the performance of Ontario Power Generation. Yesterday you said the performance on Pickering A was not Ontario Power Generation's finest hour. You said as minister that you're not happy with what you've seen—but you're happy with their salaries. I don't get it. Ontario consumers see their bills go up, yet they also see the salaries of the people running this show skyrocketing, quadruple that of their counterparts in BC and Quebec. When faced with this in Hydro One, you heeded the call of Dalton McGuinty and the Ontario Liberals, and Captain Clitheroe and her crew went down with her ship. Why not at OPG? Why are you standing beside your Hydro man? Is it because of the close relationship between Chairman Farlinger and this government? It's a serious charge, but it deserves an answer. Why are you standing beside your Hydro man when you've got nothing good to say about his performance?

Hon Mr Baird: I'll read from the report: "We reviewed the CEO's employment agreement and find it to be in line with responsible market practice."

The member opposite speaks of the chairman of Ontario Hydro. He doesn't mention his salary, which is nowhere near the amount he has spoken of. The member opposite cites Quebec and British Columbia, two places where a competitive marketplace is not in existence. This is a competitive market in the province of Ontario. It has expensive mixed generation, not just hydroelectric, not just fossil fuels, not just new emerging green powers; it also has substantial nuclear resources.

When this government, this Premier and the former minister stood in this place to take action on the Hydro One issue, this member stood in his place, fought it and voted against it. He should be ashamed of himself.

LONG-TERM CARE

Mr Garfield Dunlop (Simcoe North): My question today is to the Associate Minister of Health and Long-Term Care. I'd like to say that I've been working with my colleagues Associate Minister Newman and Minister Clement for the past few months to extend interim beds at the Orillia Care Centre in my riding of Simcoe North. This will help ensure a smooth transition for residents to permanent long-term-care beds in the Simcoe area, once

they are up and finally constructed. I'm very pleased to say that the beds have been extended for up to 12 months, past March 31, 2003. For the benefit of my constituents in Simcoe North, I ask the associate minister what the status is of interim long-term-care beds in the Orillia and Simcoe serviced area.

Hon Dan Newman (Associate Minister of Health and Long-Term Care): I thank the hard-working member for Simcoe North for his question. The interim bed program is consistent with one of the Ministry of Health and Long-Term Care's key strategies, and that is to anticipate and develop services to meet the needs of our growing and our aging population. Care provided through long-term-care facilities is an essential component of the continuum of services for our elderly Ontarians.

I'm pleased to say that the beds at the Orillia Care Centre have been extended to help provide even better long-term-care services for the people of central Ontario. Interim beds were implemented as a bridge until new long-term-care beds are built. I'm proud to say that 119 new beds are presently in operation in Orillia, with another 24 expected to be completed by November 2002; in Barrie, 423 beds, and 264 redeveloped beds have been awarded, with construction moving ahead.

I commend the member for Simcoe North for his dedication and for his commitment to long-term-care services on behalf of his constituents.

Mr Dunlop: I thank the associate minister for his response and for his assistance in the Orillia long-term-care centre.

There's no question that even better long-term care is even more important to meet the needs of Ontario's growing and aging population. I'm very proud to be part of a government that has made such unprecedented commitments to long-term-care services in our province. There's no question that these investments will make a real difference for seniors and others who require long-term care throughout our province. I'd like to ask the associate minister what steps our government has taken to ensure that the progress we've made in long-term care continues in the years to come.

Hon Mr Newman: Once again I thank the member for Simcoe North for his question. Long-term care has certainly come a long way in Ontario since our government was first elected by the people of Ontario in 1995. That's because we've taken strong action to improve the sector, unlike the Liberals and NDP, who seemed to hope the challenge of our growing and our aging population would somehow just go away.

As tens of thousands of long-term-care beds are built and redeveloped across Ontario, our government is providing funding of up to \$10.35 per bed per day for 20 years to help with the cost of construction of long-term-care beds. That money goes to new and redeveloped facilities across our great province once the beds are built and once the beds are in operation, up to a maximum of \$75,000 per bed.

There's no doubt this provides a strong incentive for long-term-care operators to put their beds in operation sooner rather than later. This will mean even greater care for residents and even greater peace of mind for the families of residents.

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COMPETITIVE ELECTRICITY MARKET

Mrs Lyn McLeod (Thunder Bay-Atikokan): My question is for the Minister of Energy. I was visited last weekend by a door-to-door electricity salesman. This individual bore a name tag proclaiming he was from Ontario Hydro; in fact, he assured me repeatedly that he was indeed from Ontario Hydro. If you look at the small print on the business card, Minister, you will see that this particular Ontario Hydro is in fact a division of Union Energy Inc, a private company. It was interesting that this Union Energy representative also insisted that his company was working with Thunder Bay Hydro, even though Union Energy of course is in direct competition with our local utility.

Minister, the code of conduct for independent retailers says, "The electricity retailer shall clearly indicate that the offer is not being made by a regulated distribution company and shall not seek to mislead or otherwise create any confusion in the mind of a consumer." Minister, will you agree that Union Energy is misrepresenting itself as Ontario Hydro and will you act now to stop this misrepresentation?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The priority of our government is to ensure the people of Ontario receive a supply of safe, reliable and affordable electricity in Ontario. We do have a competitive marketplace and we have strengthened measures to protect consumers this past June with Bill 58, brought in by my predecessor.

If the member opposite has allegations that the market rules are not being obeyed, she should bring them forward to me directly. The Ontario Energy Board does have the authority to order compliance and can level substantial fines if people are breaking the law. I don't think it would be fair or appropriate if you asked me to adjudicate it based on the information you've provided me today, like any crime, but if the member opposite wants to present me with the information I'll ensure it reaches the authorities in short order.

Mrs McLeod: I just did bring it to you directly and I think it should actually concern you directly. You and I both know—and if you had acknowledged that in your answer—that Ontario Hydro sold its retail arm to Union Energy. It is now being run by a private company. Most consumers, I submit to you, don't know that. Consumers see the Ontario Hydro sign, they see the logo and they assume that they are making a contract with a public utility. They assume that your government is probably in some way underwriting that contract. In fact, Minister, I begin to wonder if in some ways, directly or not, you are in fact underwriting these private contracts. Your own

regulator is now saying that it's probably a good idea for consumers to get into fixed contracts because they know the prices of electricity are about to go up.

So what happens if Union Energy Inc is not able to provide their customers with electricity at the 6.02 cents that they're currently selling it for? Do they go and look for a retroactive price increase, as Union Gas did? Do they absorb the losses, even to the point of bankruptcy? I think that's highly unlikely. Do they come to you, Minister, and ask for some kind of bailout so the private company can stay in business, or do they walk away and let the public utilities fix up the mess afterwards?

Hon Mr Baird: If the member opposite has specific examples and wants to provide me with all of the details, I'd be very pleased to look at them.

She may want to look at her caucus colleagues. It's been her party that has steadfastly supported the privatization and steadfastly supported an open market. Just what did you think would happen when we'd have an open market in Ontario? Look what her leader said: "I am in favour of privatization both in terms of the transmission and the generation." That's further than anyone on this side of the House ever said. But has she once got up in this House and spoken up against her leader? Not a single time. What did her own energy critic say when they were out trolling Bay Street for bucks? "Throughout Ontario's electricity restructuring process, Dalton McGuinty and the Ontario Liberals have been consistent supporters of the move to an open electricity market in Ontario. Please send me \$350." The member opposite should take these concerns to her caucus meeting on Thursday morning and bring me the facts on Thursday afternoon.

SCHOOL SAFETY

Mr Norm Miller (Parry Sound-Muskoka): My question is for the Minister of Education. Minister, as a parent I'm sure you agree that the safety of our students should be our utmost priority. All children in the province should have the right to learn in a safe and respectful environment. They should be able to attend class without the fear of violence, discrimination or sexual abuse. In order to ensure the safety of our children and all the children in this province, can you share with us some of the initiatives this government has enacted to protect our most valuable resource, our children?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I would be pleased to respond to that question. Indeed, our government was the very first government in the province to address the issue of ensuring that our schools provide a safe environment for both students and teachers. We introduced the Safe Schools Act in 2000 and we have subsequently introduced the Ontario schools code of conduct. Each board in the province is responsible for developing strategies to deal with harassment, threatening, bullying and issues of sexual abuse.

I'm pleased to say that this morning I spoke at the Canadian Safe School Leadership 2002 conference and I

had the opportunity there to meet with a very dedicated group of directors, trustees, teachers and others. I can tell you that people are working aggressively with the government to ensure that our schools are indeed safe.

Mr Miller: I agree that students can't learn when they are in an unsafe environment or when they fear for their safety. Growing up is hard enough, and no student should be placed in a harmful environment or be subject to an irresponsible adult, especially if they abuse their authority.

Can you share with us the specific initiatives this government has enacted to protect our children from sexual misconduct by a trusted adult?

Hon Mrs Witmer: The issue of the need to protect our students from sexual abuse is a very, very important obligation that we have. So based on Justice Robins's review, our government is the very first ever to introduce legislation that better protects students from sexual abuse.

I'd just like to state what the act stipulates. The act says that employers must remove from the classroom a teacher charged with or convicted of an offence with minors, and also that if an employer removes a member or restricts duties for professional misconduct, he or she must report this action to the college registrar within 30 months.

So we now have very comprehensive definitions of sexual abuse, including sexual assault and harassment. I can tell you that it makes it very difficult for disciplined teachers to move from one board to the other.

COMMUNITY SAFETY

Mr Michael Prue (Beaches-East York): My question is for the Premier. The last few days have been very devastating for the Black community of Toronto and even more devastating, I'm sure, to the parents whose children have been killed on our streets. Unfortunately, another was shot this morning. Chief Fantino says that policing alone won't bring peace, and this was reiterated by the chiefs of police, with whom many of us met today. Chief Fantino says we need to fix the root causes, be they education or housing or opportunity.

Last year, before my election to this House, the New Democratic Party released a document called the Building Hope Action Plan. This was following extensive consultations with the Black community. Last week, Howard Hampton sent you a copy. There are 30 action steps contained within that plan. Given what has happened in these last few days, which ones will you implement first to get the guns off the street and return safe neighbourhoods to our citizens?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I think the Minister of Public Safety and Security can answer this question.

Hon Robert W. Runciman (Minister of Public Safety and Security): Certainly we're all concerned, and I think I speak on behalf of all members of the Legislative Assembly, with the spike of homicides and crime

that we've seen over the last number of days in the city of Toronto. Certainly the chief raised a significant number of issues that have to be identified in terms of dealing with the root causes of crime.

I have not seen the report that you have provided to the Premier, but we, along with all members of this assembly, want to assist the Toronto police and the police services across this province in addressing these challenges.

Mr Prue: Mr Premier, I'm going to ask you again, but perhaps the minister will answer. A couple of very easy things can be done, and I've just sent a copy of that report back across the floor. One is to institute community safety programs involving the police, youth and the community—the general neighbourhoods. Another very easy thing that can be done today is to give sufficient funds to the city or to other groups for recreation programs that will operate in the evenings and after hours so that our youth will have something to do other than to hang out on street corners.

Last week we gave you this road map; today I give it to you again. This road map is intended to transform the lives of so many of our most vulnerable citizens, so many of our young people who are at risk of death on our streets. Do you have the courage to sit in the driver's seat and take that road map where it needs to go?

Hon Mr Runciman: I certainly appreciate the party's input and their genuine concern about this issue. I have to say, looking at one of the references here to community policing, that I know there have been very significant efforts on the part of the Toronto Police Service, under the leadership of Chief Fantino, to reach out to the various minority communities in Toronto. I think there has been a real priority given to expansion of community policing as well in the city of Toronto.

Clearly, there is a willingness on the part of the Toronto Police Service. Meeting with the chiefs of police who are in the building today, as we speak, they are all concerned about this issue and I think they all want to work together, along with this government, with members of this assembly, to address these challenges. We welcome your input.

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HOME CARE

Mr John Gerretsen (Kingston and the Islands): My question is for the Premier. Premier, as you know, October is Ontario Community Support Month. Today we have in our gallery individuals representing different community support sectors and the people who provide the care and support services in our communities.

You made a commitment to the people of Ontario in 1998 to provide an additional \$551 million. You still owe more than half of that money, over \$140 million that you have committed to the community care sector that has not as yet been paid out to them for services to our communities. In a letter dated September 18, signed by 13 different organizations, you were specifically asked to

do something about it. You well know that many services that used to be provided by community care are no longer available to those elderly and frail who want to live in their own home.

Since we all agree it's to the benefit of our seniors and most vulnerable to live in their own home environment as long as possible, why don't you live up to your solemn promise and commitment and make that funding available immediately so that people can stay in their own home environment as long as possible?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): The Minister of Health has a response.

Hon Tony Clement (Minister of Health and Long-Term Care): As the honourable member knows, in fact we are continuing to meet our commitment when it comes to both the community and long-term-care sector and the at-home community care sector. This is a multi-year commitment. This commitment was made by the government of Ontario a number of years ago, and each year we have met a certain portion of that commitment on schedule, on plan. That will continue as our support for this community grows.

Mr Gerretsen: Minister, currently you are \$140 million short. You are the minister who wrote, by way of a letter to your colleague David Turnbull on September 30 of this year, that the ministry "will undertake a communications campaign directed at ... increasing the awareness about" long-term care "redevelopment activities currently underway throughout the province; highlighting the new home-like environment and improved comfort and amenities being offered by the new and redeveloped facilities."

We all know what a home-like environment is. We all know what comfort is. We all know that people would prefer to stay in their own homes as long as possible. Will you tell the people in the gallery today that if you can find the money for this advertising campaign, surely you can find within your budget the money you solemnly promised to commit to this sector in 1998, so people can stay in their own homes with the community support they need? Will you tell them today that the funding will be there so they will be able to stay right where they want to be, in their very own home, where it is a real home, and not some home-like—

The Speaker (Hon Gary Carr): Minister.

Hon Mr Clement: I'm quite surprised by the honourable member's characterization of this. He should know, as Ontarians know, that when you look per capita, we have the most generous home care services in the entire Dominion of Canada, at \$128 per capita. That is a commitment that has grown since 1995 by 72%. In fact, it's grown by 440% since they were the government of Ontario on the other side of the House. That is 100% provincial dollars, not a dime from the federal Liberal government, I might add.

We are proud of our commitment to community care. We are proud of our commitment to long-term care. This government is meeting the demands and the needs of the people of Ontario, and we will continue to do so.

SMALL BUSINESS

Mr John O'Toole (Durham): My question is to the Minister of Consumer and Business Services. But first, for the members of the House, I'd like to extend my congratulations on your recent marriage; I commend you for that. As we all know, marriage is no small business decision.

However, on a more serious note, October is Small Business Month. We all know that small business creates more than half the jobs, almost one million new jobs, in the province of Ontario.

Sadly, back in 1995, I recall sitting down and listening to those small business people talk about their genuine frustration with the government of the past 10 years—red tape and bureaucratic handling and filings.

But today, fortunately, in my riding of Durham, there is hope. A branch of the Scugog Chamber of Commerce recently formed the Scugog Business Advocacy and Advisory Committee, which helps local enterprise, of course. I'd like to commend committee members Betty Penny, Julie Brock and Ed Olsen, just to name a few.

My question to the minister is very clear: Minister, what has this government done to make it easier for small—

The Speaker (Hon Gary Carr): The member's time is up. Minister?

Hon Tim Hudak (Minister of Consumer and Business Services): I appreciate the member's interest and enthusiasm in small business as well as my personal life.

As the member knows and said quite well, small business is the backbone of the Ontario economy. It's true: it used to be that small business people would have to wait in line for up to half a day to file their forms, renew their names or to sign up a new business name. It took them longer to file routine paperwork than it did to do their taxes, even using an abacus.

Once we were elected, we worked hard and we continue to work hard to make sure that we cut red tape and make businesses spend less time filling out forms and more time doing what they do best: creating jobs and investment in the economy. Now they can hop on the Net or stop by one of our electronic kiosks and be finished in the time it takes to make your morning coffee; a substantial improvement, and just one step that we're doing for small business.

Mr O'Toole: Thank you, Minister, for that. I'm certain you didn't have to line up to get your marriage licence.

However, I would also say we're moving ahead with entrepreneurship and e-commerce in our government; I know that. The Internet, of course, and kiosks are a very good way to eliminate the inconvenience for small business. Paperwork for small business is lost money, lost income and lost jobs.

I think there's much to be done. I know the Red Tape Commission is working tirelessly to eliminate barriers to opportunities and growth. But what additional initiatives, like the small business advisory committee that Mr Spina

is working on—what is your ministry doing specifically to help small business during Small Business Month?

Hon Mr Hudak: The member puts it quite well. The last thing we want to do is to make businesses jump through more hoops in filling out routine paperwork. There are enough levels of government for them to deal with. In fact, the Ernie Eves government has been recognized by winning a gold award from the Commonwealth Association for Public Administration and Management in the United Kingdom for its work in streamlining processes, especially through electronic service delivery.

We're also working closely with the federal government in this area to streamline the registration process. We have something called the Joint On-line Registration Pilot project, which allows a small business that incorporates federally to similarly apply for Ontario Registration at the same time. There are also a number of joint business centres with the federal government which offer excellent resources for entrepreneurs across Ontario. This type of one-stop shopping frees up time and money and lets businesses concentrate on creating jobs and investment in small towns and large cities across the province of Ontario.

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MUNICIPAL RESTRUCTURING

Mr Richard Patten (Ottawa Centre): My question is for the Minister of Municipal Affairs and Housing. Minister, you can't pass off this question to the minister of rural affairs, because the question is for you. This is the question and this is the 14th day in which you've been silent. Journalists, all kinds of people, have been trying to get you to answer the question. Now I think I realize why you can't answer the question: it's because you really don't know the file. Here I have a deferral at the OMB. As you know, you're deferring the appeals on the decision by the OMB related to the ward boundaries that the city of Ottawa has already undertaken. You signed this, but strangely enough I see some fingerprints here of the minister of rural affairs.

My question to you is, is that the way you operate as a minister? You don't really take a look at what it means or assume your ministerial responsibilities; you just sign it because he said you should. Is that the way you operate?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): Despite the direction from the person asking the question that I not refer it, I will refer it after this.

I understand that the people in Ottawa want to have a theory that Toronto is dictating everything in Ottawa, and it goes against your theory to even believe that a minister from Ottawa would have responsibility for this file to protect the rural interests in Ottawa. You've got all kinds of conspiracy theories: a plan from Toronto to take over Ottawa, and now you've even included fingerprints that you can somehow see on a letter, and that's a conspiracy.

Look, we're doing the best we can to make sure the rural residents in the Ottawa area are heard, that there's a

proper process, and the Minister of Municipal Affairs and Housing, rural division, is in charge of this file.

Mr Patten: I told you that you had to answer that, didn't I?

To the minister of rural affairs: when I asked you this question last week, you said there was plenty of time and plenty of opportunity for a review of this. Is it your intent to resolve this issue before the end of December—Elections Ontario is saying you must have recommendations in by that point, otherwise it would be too late, and the city of Ottawa will be encumbered with some wards that will have five times the population of others. Are you prepared to stand up for that kind of injustice and that kind of discrepancy? Is that what you want to see happen? Because the people of Ottawa will remember.

Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing): As the member opposite knows, it was a very real issue during the time of amalgamation, and it is still an issue today, that there be proper representation from the rural communities in the Ottawa area, so much so that they launched an appeal to the OMB. There's a deep amount of concern with respect to their representation being undermined at the council table.

We have had a stay in the proceedings in order to have a time out so they can discuss it. The offer has been made for our ministry to work with the appellants in the case and with council to see if there can't be a solution to this so that the representation of the rural communities is not watered down and undermined in this process.

ASSISTANCE TO FARMERS

Mr AL McDonald (Nipissing): My question is for the Minister of Agriculture and Food. Last month, I joined a large number of my caucus colleagues at the International Plowing Match in Glencoe. At that event our government provided a major announcement relating to financial assistance for Ontario farmers. I recall that delivering assistance as quickly as possible was a major priority. Minister, could you inform the Legislature and farmers across Ontario on any progress regarding the distribution of these funds?

Hon Helen Johns (Minister of Agriculture and Food): I'd like to thank the member from Nipissing for his question and his support of agriculture in the province of Ontario.

I'm pleased to inform the Legislature that last week the first of approximately 50,000 cheques were delivered to Ontario farmers. As we have noted, financial assistance represents Ontario's 40% of the federal share, and that's the first year of a two-year transition program that we promised to comply with. The short-term aid, of course, will assist Ontario's agricultural industry as they make the transition to a longer-term approach where the risk management tools will be established by the federal government through the agricultural policy framework.

Payments to grain and oilseed producers were made through the market revenue insurance information that

we received, and that started to flow last week. We are very proud that these dollars have gone out to the farmers, and we are sure they will be put to good use in the agricultural community.

Mr McDonald: Minister, your ongoing support for Ontario agriculture is well known by Ontario farmers.

I understand your ministry has conducted extensive consultations with Ontario farm organizations to determine the most effective method of distributing this money. Could you inform the Legislature as to what farm groups requested and how our government is responding?

Hon Mrs Johns: We did do a lot of consultation. We worked very closely with the Ontario farm groups to ensure that we came up with the right balance and the right method of payment. The agricultural community talked to us and said they needed a cash payment as opposed to something that went into a plan that may not be able to be triggered. So of course the Ontario portion of the transition money was sent through direct payment. It was also based on a compendium program that we have in Ontario called the market revenue insurance program, which best meets the needs of the agricultural community that was most in need: the grain and oilseed producers.

We put a little bit of dollars into the net income stabilization program because we wanted to make sure that every farmer in the province of Ontario benefited from the program. So we think that's the most effective method and we certainly—

The Speaker (Hon Gary Carr): I thank the minister. The time is up.

YOUNG OFFENDER FACILITY

Mr Peter Kormos (Niagara Centre): To the Minister of Public Safety: my colleague Tony Martin from Sault Ste Marie tells me that community is shaking its head in dismay at the prospect of you shutting down the only phase 2 young offender facility. That means that young offenders are going to have to be transported all the way to Sudbury, 300 kilometres away, transported back and forth with a new cost to the community of some half a million dollars a year for the mere transport alone. There will be no accessibility to parents, no accessibility to lawyers. Indeed, the job loss as well is a serious blow to a community that's already been hard hit by the Algoma restructuring.

How could you possibly contemplate shutting down that facility and using Sudbury as a base?

Hon Robert W. Runciman (Minister of Public Safety and Security): I think this issue arose as a result of some media reports a week or so ago that talked about the decommissioning of the Soo jail, which indeed has been contemplated for some time. The Soo jail per diem costs are in the neighbourhood of \$250, when the average across the system in the province is about \$138 or \$139 a day. So clearly this is a facility that we cannot contemplate keeping open.

Tied into this is the fact that the young offender facility is attached to the Soo jail, so I think there has been a conclusion reached that automatically the young offender facility would move to Sudbury. I want to indicate that that is a possibility, but no final decisions have been taken.

USE OF COAT OF ARMS

Hon Dan Newman (Associate Minister of Health and Long-Term Care): On a point of order, Mr Speaker: I want to bring to your attention a matter that happened last night in Scarborough. There was a meeting that was attended by the member for Parkdale-High Park, and there were forms handed out at that meeting for the Ontario Provincial Education Network encouraging people to join. To the left of that name on the form appears to be the coat of arms of the province of Ontario being used for a highly partisan activity.

I'd ask you, Speaker, to rule and report back to the Legislative Assembly on whether or not members can use the coat of arms of the province of Ontario for partisan activities.

The Speaker (Hon Gary Carr): We'll check and see, if the member would give it to me, and we could talk to the appropriate member if something hasn't been done.

PETITIONS

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This petition is to the Legislative Assembly of Ontario and it's part of the 26,000-signature petition we have with regard to Highway 69.

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas many municipalities across northeastern Ontario have supported the four-laning of Highway 69 from Sudbury to Parry Sound, such as Sault Ste Marie and Sudbury; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immedi-

ately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease.”

I of course affix my signature to this petition and give it to our page Nazir to bring it to the table.

1510

DÉRÉGLEMENTATION DE L'ÉLECTRICITÉ

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell) : J'ai une pétition ici qui comprend plus de 1 300 noms, ce qui voudrait dire aussi que nous aurons atteint plus de 5 000 noms par la fin de la semaine.

« À l'Assemblée législative de l'Ontario :

« Attendu que le gouvernement Harris-Eves a déréglementé le marché de l'électricité ontarien le 1^{er} mai 2002 sans que cela ait fait partie de ses programmes de 1995 ou 1999 et sans mandat de la population de l'Ontario ;

« Attendu que le prix de l'électricité a atteint des niveaux outrageux, augmentant parfois de 100 % depuis le 1^{er} mai 2002 et causant de graves difficultés financières aux Ontariens et Ontariennes ;

« Attendu qu'Ontario Power Generation (qui appartient au gouvernement de l'Ontario) a demandé à la Commission de l'énergie de l'Ontario la permission de réduire de 20 % le rabais promis aux Ontariens et Ontariennes si le prix de l'électricité dépassait les 3,8 cents le kilowattheure... ;

« Attendu que le gouvernement Harris-Eves a autorisé le versement de salaires et primes exorbitants de l'ordre de 2,2 \$ millions par année à l'ancienne présidente de Hydro One et au-delà de 1,6 \$ millions par année au vice-président d'Ontario Power Generation ;

« Nous, soussignés, demandons au gouvernement Harris-Eves de prendre des mesures immédiates pour faire en sorte que les Ontariens et Ontariennes payent ce service essentiel qu'est l'électricité à un juste prix et demandons également que le gouvernement conservateur et son chef, Ernie Eves, déclenchent une élection générale sur l'instabilité du marché de l'énergie pour ainsi donner aux Ontariens et Ontariennes la parole à ce sujet. »

J'y ajoute ma signature.

COMPETITIVE ELECTRICITY MARKET

Mr Tony Ruprecht (Davenport) : I have a petition addressed to the Parliament of Ontario. It reads as follows:

“Whereas the Ernie Eves Conservative government has legislated the opening of the Ontario electricity market as of May 1, 2002, and the price per kilowatt hour for electricity in the province of Ontario has nearly quadrupled since May 1; and

“Whereas Ernie Eves has done a poor job in educating the public as to the ramifications of an open electricity market in the province of Ontario and has done little to

punish the unscrupulous sales practices of door-to-door energy retailers; and

“Whereas the” Eves “government appointed the board of directors for Hydro One who approved exorbitant salaries and compensation packages for Hydro One executives;

“Be it resolved that the Ontario government move immediately to protect our province's electricity consumers by addressing the serious generation problem in Ontario, by punishing unscrupulous electricity retailers and by moving forward with a rebate to offset the increasing costs of electricity in Ontario.”

Since I agree, I sign this document as well.

EDUCATION FUNDING

Mr Steve Peters (Elgin-Middlesex-London) : “To the Legislative Assembly of Ontario:

“Whereas the Ontario government led by the Harris-Eves Tories has severely damaged public education and created turmoil in our schools since they took office in 1995; and

“Whereas the current Toronto-based education funding formula is broken when it comes to rural schools; and

“Whereas [community schools] are being threatened with closure; and

“Whereas rural schools are the heart and soul of their communities;

“Therefore be it resolved that we, the undersigned, demand” that the education minister “immediately address the funding formula in relation to rural schools and place a moratorium on rural school closures.”

I have signed this petition and give it to Pierre, a page from the riding of Elgin-Middlesex-London and a resident of Lambeth.

NATURAL GAS RATES

Mr Pat Hoy (Chatham-Kent Essex) : I have a petition to the Legislative Assembly of Ontario.

“Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

“Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

“Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

“Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases.”

I have thousands of signatures in regard to this petition. This one is signed from persons from Tilbury and Pain Court. I hand it over to an excellent page, Alex.

LONG-TERM CARE

Mr John Gerretsen (Kingston and the Islands): These are further long-term-care petitions from Markham, Warton, Owen Sound, Mississauga, Ottawa, Beamsville, Burlington, Sturgeon Falls, Kingston, Grimsby and Port Hope. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Eves government has increased the fees paid by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee will cost seniors and our most vulnerable more than \$200 per month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas the government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce the 15% increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I agree with it. I've signed it and I am now handing it to Matthew, our page.

HYDRO RATES

Mr Steve Peters (Elgin-Middlesex-London): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ernie Eves government promised the people of Ontario that the opening of the electricity market would deliver lower hydro rates and improve service; and

"Whereas hydro rates have risen 21% over the past five months since the opening of the market; and

"Whereas consumers have not been adequately informed about the unbundling of charges and therefore do not understand and cannot reconcile the charges shown on their hydro invoices;

"Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government convene a legislative committee to oversee electricity issues in order to inform and protect the public interest."

I am in full agreement and have signed my name to this petition.

LONG-TERM CARE

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): "To the Legislative Assembly of Ontario:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas the government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I will very happily sign my name to this petition because I agree with it wholeheartedly. I will hand it to the page who is with me today, Michelle.

1520

EDUCATION

Mr Tony Ruprecht (Davenport): This petition is addressed to the Parliament of Ontario. It reads as follows:

"Whereas the Ontario government wants to take an additional billion dollars out of the education system this year and every year; and

"Whereas the Ontario government has decided to hire uncertified teachers in kindergartens, libraries, for guidance, physical education, the arts, and technology; and

"Whereas the Ontario government wishes to remove the right to negotiate working conditions; and

"Whereas the Ontario government will remove at least 10,000 teachers from classrooms across the province; and

"Whereas the Ontario government has become the sole decision-maker on class size, preparation time and the length of the school day; and

"Whereas the Ontario government proposes to take decision-making powers out of the hands of locally elected community-minded trustees;

"We, the undersigned Ontario residents, strongly urge the government to repeal the Education Act and create an accessible, public, consultative process for students, parents, teachers, and school board administrators to study alternate solutions that have universal appeal and will lead to an improved educational system."

Since I agree, I'm delighted to sign this petition as well.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This is a petition to the Legislature Assembly of Ontario.

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and"

Whereas in the last three years 46 people have been killed on that dangerous stretch of highway; and

Whereas so far this year, 10 people have been killed needlessly on that stretch of highway; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

Of course I affix my signature to this petition. I give it to Wade, our page, to bring it to the table.

NATURAL GAS RATES

Mr Steve Peters (Elgin-Middlesex-London): A petition to the Legislature Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01...; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas the retroactive charge will affect all customers, including new homeowners;

"Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from retroactive increases."

This is signed by over a thousand constituents from all over the province, and I want to thank Mrs Janice Duskoc of Port Rowan for her efforts.

ORDERS OF THE DAY

TIME ALLOCATION

Hon Doug Galt (Minister without Portfolio): I move that pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 149, an Act to extend the red light cameras pilot projects to November 20, 2004 or for an indefinite period, when Bill 149 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill, without further debate or amendment, and at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That, when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on second and third reading may, pursuant to standing order 28(h), be deferred; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Speaker (Hon Gary Carr): Mr Galt has moved government motion 49. The minister has the floor if he wishes. No? Then, in the rotation, the member for Chatham-Kent Essex.

Mr Pat Hoy (Chatham-Kent Essex): I'm pleased to rise and speak about the bill, but I'm not pleased to rise and talk about the fact that the government is once again this afternoon cutting off debate, for the public should know that time allocation means for the opposition that

they're taking our time away; they're ending our time for debate.

I just want to contrast what has happened in recent times with the Harris-Eves government and what has happened in this regard in our past. For example, in the Peterson majority government they passed 183 bills and time allocation was only used three times. In the Harris-Eves government, from June 1999 to July 2002, they've passed only 71 bills and time allocation has been used 46 times. And since we have come back this fall they have invoked time allocation, taking debating time away from the opposition, six times.

Mr Rosario Marchese (Trinity-Spadina): Six.

Mr Hoy: Six this fall alone.

So the government once again, with its majority and its heavy hand, is saying, "The debate of issues, and in particular the red light camera issue, is over. We want to end it."

We have this time this afternoon to make some comments, and I certainly want to make some brief comments, as do my colleagues, in terms of this time allocation motion and the impact it might have.

This time allocation motion is being put in place on Bill 149, the Red Light Cameras Pilot Projects Extension Act, 2002. Some time ago there was a bill passed that allowed for a red light camera pilot project to be used for red light cameras in proceedings concerning drivers who failed to stop at a red light and proceeded through the intersection before the green light came on. This was done in 1998 and the legislation allowed for it to continue until November 2002. What this bill would now do is allow for an extension of two more years of the use of red light cameras wherever they may be availed of and continue until 2004, unless the Lieutenant Governor were to repeal it before that date.

Surely, when it comes to safety on our highways, streets and roads, we want to ensure the very best for our public. And it seems that all too frequently people have been running red lights in various areas of the province. So it would seem reasonable that this pilot project—if indeed the government does not have satisfactory data as to the value of these red light cameras, whether it's saving lives, protecting people from serious injury, we clearly should support the continuation so that we can fully assess whether this red light camera pilot project should be made permanent.

The Canada Safety Council argues that the purpose of these cameras is to prevent collisions and not generate revenue or to punish persons, and I think that's what all members in this House are concerned with: the protection of the public. Certainly I agree that the use of red light cameras can be an effective tool in ensuring that our public drives in a safe and forthwith manner.

On the subject of transportation, I would like the House to also be reminded that I have a concern, and my constituents have a concern, about the abandonment of railroads and how it will have a negative impact on local communities and economies and can affect the attraction of new businesses and industries to certain areas of this

province. Not only does the abandonment of railroads have an effect on those businesses and industries, it reduces the choice of transportation that persons and manufacturers might want to avail themselves of and locate in various areas.

In my riding of Chatham-Kent Essex we have a very high incidence of heart, stroke and cancer. Our air quality in Chatham-Kent Essex is very, very poor on certain occasions. I was actually quite astounded to learn that the small village where I come from, with a population of about 500 persons, has an air monitoring system nearby, and at times, in this country setting of Chatham-Kent, in the little village of Merlin, we can have smog days that exceed that of metro Toronto.

1530

So we believe, and I support the notion, that rail lines are an integral part of our gateway to southwestern Ontario. And it happens to be that there are many embarked on a campaign to save a part of the Canadian Southwestern Railroad, 83 miles of track between a point west of Welland to St Thomas. This rail line is an important corridor. It links New York, Boston, Toronto, Detroit and Chicago with ourselves. So I think we should ensure that we leave the options available to people when it comes to rail travel.

I find it quite interesting that the government has decided that it would embark on red light cameras. It embarks on taking pictures of licence plates to collect tolls, but it will not support Bill 112 in its fullest and have it go to committee in a speedy fashion.

My Bill 112 would allow for bus drivers to identify the driver of a vehicle by licence plate. The government will allow for ticketing of persons through a photograph of a licence plate at a red light camera situation and collects tolls. It'll collect money by taking a picture, a photo, of a licence plate. But on five different occasions, as I introduced a bill to protect children while riding on school buses with the red lights flashing and having the bus driver identify the vehicle, an eyewitness account of the licence plate, it seems that this government at the very least has been very slow, after second reading, with all-party support of this bill, in getting it to committee, in having a full and extended debate, in bringing it back to this House and having the bill passed into law so that we can protect the 810,000 children who ride school buses daily on 16,000 buses. Obviously the police cannot follow 16,000 buses, which may have one, two or three routes per day, so we need a conviction mechanism. We need a conviction mechanism so that we can protect these children. There have been 13 deaths and over 80 injuries by persons who pass school buses with the red lights flashing here in Ontario.

I have wide support for this bill, from all quarters; 30,000 names were presented in this Legislature in regard to the support for this bill. Police associations support this bill. The Ontario School Bus Association supports it, the Canada Safety Council, the School Bus Operators' Association of Ontario, the Ontario Home and School Association, the Federated Women's Institutes of On-

tario, the Ontario Farm Safety Association, Citizens for Responsible Driving, and countless municipality school boards, school bus operators and drivers, and the public at large, who have signed petitions totalling 30,000 names.

Colleen and Larry Marcuzzi, and Ed and Ginny Loxton, both families lost daughters to someone who passed a school bus while the red lights were flashing. A tragic, tragic event, that a young life would be taken away.

We need a strong deterrent so that the people of Ontario recognize and will understand that passing a school bus with the red lights flashing will not be tolerated in Ontario.

Currently, the bus driver must identify the face of the person driving the offending vehicle. It is virtually impossible to see that face. First of all, the bus drivers are watching their most precious cargo, that being the children, first and foremost.

Secondly, if the offending vehicle passes the bus from the back to the front, the bus driver only sees the back of one's head. Many of the vehicles today have blacked-out windows, which makes it virtually impossible to see people inside.

The speed of the vehicle is also a factor in not being able to recognize the person who is driving. But school bus operators and school bus drivers have told me they stand an excellent chance of recognizing the licence plate number. That is what my bill is all about: allowing the bus drivers to give an eyewitness account, not a photograph, of who passed a school bus illegally, and they would be available for cross-examination. It's hard to cross-examine a red light camera or a camera taking a photo on the 407 to collect monies.

I urge the government to allow this bill, as it has passed second reading, to go to committee to have a full debate. We'll answer any and all questions members in all parties might have. The support is real; it's been over countless years. I've introduced the bill five times. We persist with this bill because it's right for the children, and it's right for those bus drivers and bus operators to know there's a strong deterrent here in Ontario that will stop this habit of passing school buses recklessly.

In my summation, I just want to say that those red lights flashing don't mean slow down and they don't mean pass the bus when you think it's safe; they mean stop. In many cases, people will stop for railroad crossings. There are exceptions to everything, but in the main people will stop for railroad crossings. They will stop for stop signs. Apparently we have some people—a law was needed to have people stop at right lights on our streets. But for some reason, people take a dangerous attitude that they can pass a school bus when the red lights are flashing.

I say to the government, let's give our bus drivers a chance to ensure that their precious cargo returns home safe. Bus drivers have told me they drive white-knuckled, with not one car passing, not two, but as many as three in succession. A local TV station sent me film of this happening during an OPP blitz. They continued to pass.

I've had mothers hiding behind shrubbery in their yards filming people passing a school bus when the red lights are flashing. We have proof that it happens, the sad proof of deaths and injuries that have occurred in Ontario.

I continue to work for those families and those school bus drivers who need Bill 112 to be passed into law. I know there are others who want to talk to this time allocation motion, so I simply say, get this bill to committee, make it law and protect the children of Ontario who ride school buses.

Mr Marchese: I support this one-page bill. I think it's a good bill. I oppose strangulation motions on principle, but one has to accept that governments have a job to do, and from time to time they'll bring in strangulation motions to strangle debate. I understand why they do it. We just have to say that on principle we oppose them. But we do support Bill 149, because it extends the ability of cities to implement red light cameras, which we believe are a matter of safety. It's true. But I can't help wanting to make some comparisons with red light cameras and photo radar, because the two are almost intrinsically the same.

I want to bring you back, Speaker, because you were here, and bring on these four or five new Tories who are sitting across from me, because they weren't here in 1993-94. Just for their entertainment, listen to some of the things Mike Harris, their former leader, used to say about photo radar. This is what the former Premier, Mike Harris, then leader of the third party, asked with respect to the issue of photo radar: "My second question is to the Minister of Transportation. Late yesterday, your government brought in a motion to shut down debate on your totalitarian"—I can't believe he said that, but that's Mike Harris—"Orwellian"—I'm surprised he knows what the word means—"photo-radar cash-grab legislation."

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Then he said, "Why are you so desperate to ram this legislation through that you are not even willing to listen to any viewpoint other than your own?"—to the five Tories who are here listening to what I'm saying about what Harris used to say.

Our minister, Gilles Pouliot, then Minister of Transportation, answered, "You can attest better than anyone"—speaking to the Speaker—"that we have spent a full five days debating this safety initiative...." I'll tell you, a full five days—we used to spend weeks and weeks debating bills in this place.

The former leader of the third party called what Pouliot, the Minister of Transportation, did, ramming through this legislation, called it "totalitarian" yet, "Orwellian" yet.

Then I wonder how this government could, in light of what your Premier used to say about photo radar, then introduce a bill that is about red light cameras, which is similar in nature to photo radar. You understand, there is no difference. The principle is the same. You attach cameras here and catch illegal activity that's going on there—a matter of safety. Mike Harris said that our photo radar bill was totalitarian, Orwellian and cash-grab

legislation. You go figure that. Premier Mike Harris, now gone, God bless his soul, spoke so vehemently against photo radar, and then you people grab this red light camera bill. I say, why would you do that?

Mr AL McDonald (Nipissing): Then you're agreeing with Mike Harris.

Mr Marchese: It's not what I said. It's what Mike Harris said.

I want to know what some of the Tories say, particularly some of the new ones, what AL McDonald from Nipissing has to say about what Mike Harris used to say about photo radar. I'm interested in your opinion. I told you what Mike Harris said. I want to know what AL from Nipissing has to say about those remarks. He called it totalitarian. Bill 26, which your government introduced, a bill that would give municipalities, ministers, totalitarian powers to do literally anything they wanted was okayed by Mike Harris.

AL from Nipissing, when 80% of people across Toronto said, "We will not be amalgamated," your Mike Harris, the same guy who called our photo radar totalitarian and Orwellian, said, "We won't listen to the 80% of the people." It makes you wonder, though, right, AL? It makes you often wonder what people do in opposition.

I've got to tell you, AL from Nipissing—five days of debate on that. You understand, AL, because you've been here long enough. Some of the bills get debated—what?—for a day if we're lucky. Some of these things are dismissed expeditiously—

Hon Mr Galt: On a point of order, Mr Speaker: According to parliamentary procedure, we refer to members' riding names rather than their personal names.

The Acting Speaker (Mr Michael A. Brown): You are absolutely correct. Members should refer to the riding names, not to members' names.

Mr Marchese: We admire the whip's ability to be so perspicacious in his abilities; good heavens, yes. But with the same perspicacity that he made that comment, he would know that I referred to the member for Nipissing as AL. AL has a name; Nipissing has a member. The Nipissing member is called AL—AL from Nipissing. He knew that. With that sagaciousness of his, he would have known that. But mercifully we've got a sharp whip over there.

I want to tell the whip, just listen to what your former Premier used to say. He said, "You, in your haste, are recklessly disregarding the people of Ontario"—recklessly. We're talking about photo radar, a safety bill that these people presumably now, through the red light cameras, agree with. They said of our bill on photo radar we were in haste, "recklessly disregarding" the Ontario public. This is the Premier who back then, AL from Nipissing, used to be your leader of the third party, right here.

Let me get to Mr Stockwell, the Minister of the Environment, who said this about photo radar then, "Tell me what service they're providing to the public"—meaning photo radar—"by nailing every single driver to the cottage on Friday night and home on Sunday night

because they're going 15 or 20 kilometres over the speed limit. They're not serving anybody. What are they doing? They're generating revenue for their coffers. That's what they're doing."

Let me understand this. The poor guy is going to the cottage. He's speeding by 10, 15, 20, 30, 40, 50 kilometres. Stockwell says it's not a problemo, right? They're just going to the cottage. On Sunday night, he says, they're coming back home. What's the big deal? I think to myself, if this is a matter of consistency, logic and safety, isn't that what red light cameras do? They catch some perpetrator of a crime going through a red light, potentially causing the life of somebody, potentially maiming someone. Yes, that guy might be going to the cottage, but he might be going through a red light, potentially causing harm to some human being, small, big, middle-aged, thin, old, whatever. They're human beings who could potentially be harmed by somebody going through a red light. The Minister of the Environment, then a member of the third party, said, "Tell me what harm they're doing." He called photo radar just "generating revenue for their coffers."

To be fair, AL from Nipissing, the Liberals argued the same stuff, so don't feel I'm picking on you, because the Liberals then opposed photo radar too. But they like red light cameras now, just as you like red light cameras now. I just wanted for the record, AL from Nipissing, to tell you what your friends used to say. Of course you like red light cameras now. If you were here then with Chris Stockwell, Mike Harris, Runciman and all these others, you wouldn't have liked it either then. But today you come here saying, "I like."

Interjection.

Mr Marchese: Photo radar? Right. I think there was an intelligent commentary, but I didn't pick up. Maybe the Hansard will. I'll look it up later.

I just wanted to tell you what your members used to say. "This isn't going to stop anyone from speeding in a rented car," says Stockwell. "Why would they stop speeding?" He goes on. There's so much more that Chris Stockwell said on this matter.

I want to bring to your attention, Speaker, and through you to the public, the inconsistencies, often, of politicians, how often we contradict ourselves and how difficult it is for the public to believe anyone. That's why so many are so cynical here. It's tough for the general public, for the general Joe, to say, "Whom do you believe?"

But I want to say, speaking to the issue of red light cameras, that New Democrats supported photo radar then and we support red light cameras today. Generally speaking, we take a consistent approach.

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Mr McDonald: Let's just vote.

Mr Marchese: I know you just want to vote, but we need to make the points, right?

Here's the other point I want to make to you, AL from Nipissing. You had a two-year pilot project, right? How long do pilot projects last? When does a pilot project end? We're going to go to four years now as a pilot. A

pilot is generally—I don't know—a year. You sort of look at the matter and you study it, say, one year. You say, "Hmm, all right. Let's give it another year, two years." If you don't have enough evidence in by now, you've got a problem on your hands, right? Something is wrong when a pilot project is extended two more years into another pilot phase. It speaks obviously to a dilemma of sorts, because you as a government would have to argue or give reasons why you're doing that. Why would you be doing that?

I'm looking forward to Julia's remarks, the member from York North, to see what her speaking notes say in this regard. I want to know, when does a pilot project end?

Mr Cameron Jackson (Burlington): When it ends.

Mr Marchese: When it ends, yes. But it's not quite true. As I was explaining earlier to the former Minister of Culture, pilot projects have an end, really, and they're usually time-specific. They don't last four years. They just don't last that long—ought not to—and if they last that long, there's a problem.

I argue that cities ought not to come begging to you every two years for permission to introduce red light cameras. Cities on their own have the ability and the knowledge to introduce red light cameras without having to come to beg to the province to do this. Why is it that you insist on holding on to this power and not liberate yourselves and the cities to be able to do what they ought to do is incomprehensible to me?

Perhaps the member from York North will also speak to this. I'm not sure what her speaking notes say. But hopefully they will say why it is that the province insists on holding on to the power of giving permission only to cities, holding on to the power of saying to cities yes or no. Why do you do that? Cities surely are mature enough to deal with this. Of all the things they don't need, it's the government in this case to continually pass a law that allows them to do something or not.

You are good, generally speaking, at flushing your problems down to the municipal level. You have flushed down every conceivable problem you have to the municipalities. Your taking back of education taxes and giving the cities back more responsibilities—of transportation, God bless them; of child care; and completely giving them housing as a social responsibility where they're going to have to raise property taxes to pay for housing—is an act of irresponsibility to the highest degree. You have flushed every conceivable responsibility to the city so that the city has to go to the taxpayer to get the money to pay for those problems.

But red light cameras are not something for which you, AL from Nipissing, can give municipalities the power. Speak up when it's your turn; you're next. Tell Julia you want to speak. You were a former—what?

Mr McDonald: Deputy mayor.

Mr Marchese: You have the experience to speak about how able you are or were to take this on. You know because you were there. You could tell the Premier, "Ernie, they can do it. I was there; I was the

deputy mayor of Nipissing," up there somewhere in your little town up there.

The problem is, the member from York North has a speech and she's not going to address my questions. The speeches are written by some young bureaucrat over there sitting at the back who gives you the speeches, obviously. I've got to tell you, I'm not a fan of that kind of stuff.

I want people like the member from Nipissing to stand up and say, "Here's my view." That's what I want. And I want the member from York North to answer my questions, and if she can't I want the member from Nipissing to get up and do it, and I want him to take just five minutes. Don't take 10, AL from Nipissing, just five, a couple of minutes to say Marchese is right or wrong, that Marchese is right in giving municipalities the power to implement their own red light cameras or not. You tell me, because you've had the experience, Deputy Mayor, you had the experience—a small city, it's true, but nonetheless it doesn't matter.

Mr McDonald: It's not that small: 56,000.

Mr Marchese: But it doesn't matter: 56,000, big, small, it doesn't matter. You were the deputy mayor, with a whole lot of experience. I want you to just walk over to the member from York North and say, "Julia, just give me some time, because the member from Trinity-Spadina needs some answers." Go ahead, AL, I want you to do that for me, please, so I know. Go ask. He's asking; the member from Nipissing is asking.

The Acting Speaker: You know full well that you need to be addressing your comments through the Chair and that you do not refer to members by their names but by their constituencies. Thank you.

Mr Marchese: The member from Nipissing just went to the member from York North to ask for her permission to speak. You might ask the whip, because the whip has some say in these matters. Whip, the member from Nipissing would like a couple of minutes to respond to my question. Is that OK?

Hon Mr Galt: You'll have to check with the Speaker.

Mr Marchese: Check with the Speaker? It's not his business what you do.

Hon Mr Galt: I'm not chairing this Legislature.

Mr Marchese: No, but it's none of his business whether you'd permit the member from Nipissing to take five minutes or not. It's your business.

Anyway, I'm just having some fun here. That's not the point, really. We are against strangulation motions on principle; we are. That's not the problem. We support this bill, but what we say is that if there's one thing we probably will agree with the member from Nipissing on it is that red light cameras are something cities can take on because they've got the skills. It's not that complicated, really, when you come down to it. It's really easy. It's about safety. They're the closest to their communities so they know where to put these red light cameras, they know when to take them off, they know whether to put more or fewer in some of those streets. They're the ones

who are best positioned to deal with these issues of safety. That's what we are arguing on this side.

Then I want the government to comment whether you will make this a permanent feature of what cities should be able to do. And if you don't want the cities to do it, will you end this pilot project and say, "We're going to permit cities to be able to do it all the time?"

The pilot project has got to end at some point. It's not complicated, right? You've got a red light camera that focuses on the problem: they speed and you catch the culprit. It's intended to prevent people from speeding recklessly through red lights. How effective it's going to be in the end is always a matter of degree and/or serious questioning, no doubt. But when people know you've got red light cameras keeping an eye on you, you're more likely to stop when you get to a red light than to take the chance of going through it, to take the chance of making the turn on the red light. It will seriously affect people's behaviour, because that's what you've got to do. You have to change the culture of what people do.

Listen, we live in big cities, those of us who live in big cities, or small, I suspect. We've got a whole lot of—hey, there's Chris Stockwell, Minister of the Environment. I just quoted you earlier. We live in a big city where people are busy, so busy that, yes, sometimes they do reckless things, but that's no reason that we should risk going through red lights and risk lives, risk maiming people. No one ought to be that busy that you can't take the time to slow down.

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Mr McDonald: Just vote yes.

Mr Marchese: The member from Nipissing, AL, says, "Just vote yes." No, AL from Nipissing; it's more than just voting yes, more than just sitting down and saying yes. I want to point out the contradictions so that you remember. I want to point out what your Minister of the Environment said then. I want to point out what your then leader, then Premier, said. You need to know, AL from Nipissing, so that you can correct your own actions, so you are aware of your own contradictions, because you people are mired in them. You are mired all the time in your own contradictions. You seem to get away with it, but your popularity is slowly diminishing. God bless, sometimes you think someone is up there looking after us.

So I say to you, end the pilot. Make it a permanent feature of what cities ought to do. Make it permanent by saying to the city, "You can do it on your own," and give each municipality, wherever they are, the power to be able to do it however they see fit.

The member from Nipissing, AL, is going to stand up next, after me, take five minutes—right, Julia from York North?—to respond to some of these questions because I know, Chris, that script that she has ready to be delivered doesn't answer my questions. She's going to say, "Oh, this is about safety, this is really good, we've got to do it, let's end the debate." That's what she's going to say. I know that. But that's not what her Premier used to say about photo radar: "It's all nonsense."

She's got to get rid of that speech that one of those young bureaucrats wrote and speak from whatever heart she's got. And you too, AL from Nipissing. Don't deliver speeches on the basis of what they write for you. Speak from here. Yes, you might be caught in a contradiction if you speak from here, but that's OK, because at least it comes from your heart, right? As opposed to those controlled debates, those boxed-in debates that get written for you. You can't be a fan of such stuff. I wouldn't have any fun reading speeches. It would be a crime. Wouldn't that be so, member from Perth-Middlesex? Yes, it would be. I know you're listening. You're very attentive to what we have to say, as one of the people who's in that chair from time to time.

So three things: First, AL from Nipissing, when does the pilot end? You've got to answer that. It's a simple question. And you can't say, like the former Minister of Culture, "When it ends." That's too cute. The pilot has to end at some point.

Second, why do you insist on holding on to this power? Why do you think cities are incapable, former deputy mayor, of doing this on their own? Why, if it's such a simple matter, can't you give this power to the cities to overview, administer? Why can't you do that? And after you've answered these questions, then some of us can sit down a little more quickly and get out of the way, right?

But don't stand up talking about how good this is, this is great for safety, good for kids, good for senior citizens, good for the people, badda-boom, badda-boom. That's why I quoted your former Premier about what he said about photo radar, because he said it was dumb, because he called our bill totalitarian, Orwellian. Like the Tenant Protection Act that Mike Harris, the former Premier, passed wasn't Orwellian—the Tenant Protection Act, which doesn't protect tenants; it protects landlords—that's not Orwellian. Saying to 80% of the people in the city of Toronto, in the Metro region, "We're against amalgamating," and disregarding their opinion, that's not totalitarian, but photo radar was totalitarian.

You see, Speaker, how funny it is. You've got to be able to contain yourself when you read stuff like that. You've got to contain yourself and try not to laugh or cry because it's bizarre.

Mrs Marie Bountrogianni (Hamilton Mountain): You're doing a good job of containing yourself.

Mr Marchese: You've got to, because otherwise you break down, either in tears or in laughter. You can't do it, and the Speaker wouldn't know how to contain himself if he witnessed such a spectacle either. Isn't that so?

So I think I've had enough to—

Mr Mario Sergio (York West): No, no, keep it up.

Mr Marchese: I could, but the member for Timmins-James Bay wants to speak on this too. I've got to tell you, I am happy when I have an hour to speak. I am, because 10 minutes is just not good enough. Strangulation debates, I love them too. If I had an hour to speak on that, this is the place to do it, right? This is the only place that people get to watch us and listen to us. Otherwise—

Interjection.

Mr Marchese: But it's true, Julia. So get rid of that script. Speak from the heart. OK? Let me just see you, because you're coming up next. You're not going to let AL from Nipissing speak. I know you. The whip laughed and he's not giving you permission to allow him to speak; I know that too. The whip is talking to somebody else right here on the Liberal benches.

Speaker, thank you for being attentive, as you always are. You've contained yourself very well. Thank you. My friend from Timmins-James Bay is going to take over in a short little while as we get around the turn.

Mrs Julia Munro (York North): I'm very pleased today to rise and offer my support for the time allocation motion in regard to the Red Light Cameras Pilot Projects Extension Act, 2002.

As my honourable colleagues will recall, the Minister of Transportation introduced this bill for first reading last June. The legislation would build on our impressive road safety record and on the success of the Red Light Cameras Pilot Projects Act, 1998, which was passed by the Legislature in December, 1998. That legislation authorized several municipalities in the province to install and operate red light cameras at selected intersections for a trial period of two years.

Under the proposed bill, the House would authorize a two-year extension of the pilot projects that have been underway in six municipalities over the past two years. Those projects are designed to test the effectiveness of red light cameras at high-risk intersections in deterring drivers from running red lights. This bill would allow the pilot projects to continue until November 20, 2004. The proposed bill that's before us proves once again this government's commitment to improving road safety, and improving intersection safety is part of our broader effort to counter aggressive driving.

As I mentioned earlier, the legislation authorizing municipalities to implement a red light camera enforcement pilot project was passed in December, 1998. The legislation called for a two-year pilot period during which participating municipalities would evaluate the effectiveness of red light cameras in preventing collisions at intersections.

Under the existing legislation, the red light cameras pilot projects are scheduled to end in November of this year. Six municipalities decided to participate in the pilot projects. They are the cities of Toronto, Hamilton and Ottawa and the regional municipalities of Peel, Halton and Waterloo. These municipalities have taken a lead role in implementing red light cameras pilot projects. Five of these six participating municipalities have formally asked to extend the legislation and allow the pilot projects to continue for another two years, until November 20, 2004.

The draft legislation before us responds to the municipalities' request to extend the red light cameras pilot projects for a further two years. It would allow these municipalities additional time to gather more information on the

effectiveness of red light cameras as a deterrent to drivers who run red lights.

As I mentioned, Ontario already has an outstanding road safety record. Our roads are the safest in Canada and the second-safest in all of North America. Our government is proud of this record. But we also recognize that there is still room to improve. Making Ontario's roads even safer is the goal of this bill.

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I think it is important to point out that red light running is a significant cause of injuries and fatalities in Ontario. Based on highway traffic data for the year 2000, red light running accounted for more than 7,000 collisions and approximately 3.1% of all traffic-related fatalities. From the same data we also know, at municipal intersections in the province, almost one quarter of all collisions occur at intersections where there are traffic signals. More than 14% of those collisions can be attributed directly to drivers who run red lights. The undeniable fact is that almost half of all the deaths at municipal intersections that have traffic signals are caused by drivers who run the red light. Clearly, we must continue our efforts to improve driver behaviour by reducing and eventually eliminating this dangerous practice.

I'm sure my colleagues in the Legislature will agree that we pay a very high price for those irresponsible drivers who run red lights. The annual cost of collisions in Ontario has been estimated at about \$9 billion. The cost of red light running, including hospital bills, property damage and the pain and suffering of victims, has been estimated at close to \$300 million.

All stakeholders believe that a concerted effort is required to improve driver behaviour. We know it will take a combination of enforcement and education measures to end red light running, so, in addition to undertaking the red light cameras pilot projects, the participating municipalities were asked to step up their traditional enforcement methods. In each participating municipality local police conducted traditional enforcement blitzes on red light running for at least 20 hours at selected high-risk intersections during each year of the pilot project. The idea here was to have a basis for evaluating the effects of increased enforcement and the operation of red light cameras.

Preliminary results from the participating municipalities show a 40% decrease in red light running violations at intersections. As of September 30, 2002, these participating municipalities have charged about 25,500 red light runners detected by red light cameras. The final evaluation of the red light projects which examines the full two years of pilot data in terms of violations and impact on road safety will not be completed until 2003. This reflects the time required to compile all the collision data necessary for the evaluation.

I would like to stress that the public is generally very supportive of red light cameras. A recent Environics study indicated that red light cameras are supported by some 55% of all Canadians. Here in Ontario, support is much higher, at 84%. In addition, I would like to point

out that a number of other transportation stakeholders, including the Canadian Automobile Association and the Canadian Safety Council, have also expressed their support for extending the red light cameras pilot project.

As I mentioned earlier, Ontario currently has the safest roads in Canada. We are proud of this accomplishment and we are determined to make our road safety record even better. Intersection safety represents an important part of our government's broader efforts to reduce aggressive driving throughout the province. Traffic statistics and common sense tell us that drivers who disobey red light signals pose a serious hazard to other road users and to themselves. Ultimately, red light running needs to be addressed through a combination of public awareness, vigilant enforcement and effective legislation, all of which are geared to changing driver behaviour. While the government continues to believe that traditional police enforcement measures represent a highly effective means of targeting drivers who run red lights, we want to give our municipal partners a chance to test and evaluate this additional tool for reducing red light running.

As a result, the government is proposing legislation that would extend the red light cameras pilot project for a further two years. That extension would give us more data to assess the effectiveness of red light cameras in enforcement. By drawing on that enhanced data, we can better decide on the extent to which this technology should be used in the future. The proposed legislation would also allow the end date of the pilot projects to be repealed before November 20, 2004, by means of an order in council. In effect, that would make the legislation permanent.

I would like to conclude my remarks today by again expressing my strong approval of this proposed legislation, and by strongly urging all members of the Legislature to join me in supporting this important initiative, which will help to make Ontario's roads even safer.

Mr Sergio: I join the debate on Bill 149, the so-called red light cameras, thanks to our colleague here, Mike Colle for Eglinton-Lawrence, who has been working very persistently on the idea. It's finally here, not for first but for second reading. My thanks to the minister for introducing the bill for second reading as well, after some three years in waiting. The fact that we are dealing with the second reading now is because the red light cameras that have been installed have proven to be an effective measure in control, being a deterrent to a lot of speeding traffic, but also those going through red lights. That was the intent. It is not as much the cost, because I believe if we can save not only one person from fatal injuries but any injury whatsoever, I think it's worthwhile.

Red light cameras do more than that. At a time when resources are very short, if I may say, they are practically replacing a number of our police force members for much more important issues. They do free up a lot of the police's time. In 2001 alone, some 9,000 speeders, infractions, drivers going through red lights, were caught. That shows us that it's still being done. Red light cameras doesn't mean that we'll be able to eliminate all the bad

habits, those drivers who go through red lights. I don't think we'll be eliminating that completely, but at least it's a big deterrent. It is a message that we are sending to people who are speeding or going through red lights that indeed, sooner or later we are going to catch them. Sooner or later they will realize that the roads and intersections do not belong to them alone. They belong to other people, to other drivers and to pedestrians as well. I would hope that once they are caught, they will realize it doesn't pay to go through a red light. I hope they will soon realize it's better to slow down, take the extra two or three minutes, and then go on. I hope they would soon realize that it doesn't pay to cause pain and suffering.

1620

In my own area, for example, I have a number of major intersections and I would love to have cameras at every intersection. I have one at Jane and Finch, which is a very busy intersection, and one with one of the most accidents as well. I would love to have red light cameras at the intersections of Weston Road and Wilson, Weston Road and Finch, Jane and Wilson, Steeles and Islington Avenue.

Often it's not that they go through the red light and cause no harm. The problem is that often these drivers with bad habits cause serious accidents to innocent people, let alone to passengers. They cause serious injuries to innocent bystanders. They could be people waiting at the intersection to cross or they could be in a bus shelter. The fact is that it's a very bad habit to approach an intersection—do you know what's even worse? They speed even more when they are about to approach an intersection. Instead of slowing down and saying, "Hey, you never know"—there could be other cars coming or people crossing or whatever—they tend to speed even more.

It is good that the minister has introduced the legislation for second reading to extend the red light cameras for a period of two or more years. He has not attached any time as to two or more; it can be very indefinite. I can tell you, from speaking to some of my constituents, they are saying, "Do anything that would curtail speeding, that would curtail drivers going through red lights, that would curtail traffic accidents, that would do anything to make our roads more safe."

I think this would go a long way to inject some peace of mind, not only in our drivers but in our pedestrians as well. So I am pleased that the minister has introduced this legislation for second reading, extending it for two or more years.

I would like to see as well not only the existing municipalities that now have the red light cameras as a pilot project and have requested to extend them—I think there is one municipality, but I have no idea, because I'm not privy to the information, why they're not willing to request the extension. But all the other municipalities have said, "It's working. It's good. It's having an effect. It's having an impact. We want to renew it." I would like to see allowing all other municipalities that request red light cameras to have them.

I think the cost can even be less than \$90,000 per unit. The fact is that they pay for themselves. Those red light cameras, automatic machines or whatever they are, pay for themselves. They are there in silence. They are there as eyes in the sky, as my colleague Bartolucci mentioned. They are there watching those with bad habits.

What more pleasing thing can there be for a driver than to say, "I'm aware that the road does not belong to me alone, that it belongs to others as well." It makes them aware that there is something, someone, watching out there. I think that instead of curtailing it, we should expand this service.

As I was mentioning before, I have constituents of mine who say, "Do anything to make our roads safer." As a matter of fact, they are saying, "Bring back photo radar." I know that it would please some and displease some others, perhaps those coming into the city from the GTA. They are in a rush. They want to get downtown to their office, to their place of employment, as quickly as possible. Listen, we can't please everybody. The fact is that we should do everything possible to make our roads safer.

In my own community, police station 31, the only police station I have in my area, is understaffed. So it's not a question that we can post one or two traffic officers or whatever on a regular basis and say, "Watch and then go and catch them." It doesn't work that way. It is impossible. There are many other important things, crimes, that they have to attend to. Their time is very valuable.

I believe my time is coming to a close. I am supporting this legislation. Thanks to my colleague from Eglinton-Lawrence, who has been working very hard to bring it to the forefront. I appreciate that the minister has introduced it for second reading. I think we have to get on with it and hopefully expand the number of red light cameras throughout the city and throughout the various municipalities, because I believe that everyone must be responsible for our safer communities, our safer streets.

Having said that, my time has come to a close. I thank you for the time allowed to me to speak on Bill 149.

Mr Gilles Bisson (Timmins-James Bay): I want to take a couple of minutes in this debate to make three points that I think need to be made yet again.

The government is back again with another time allocation motion. I know that my good friend the House leader of the New Democratic Party will speak to that. I'm sure he's going to talk about how this government said it was going to be different, how this government said in opposition and when it ran in the election of 1995 that they were going to be different, that they were going to build a better democracy, that it was going to be Utopia when it came to the democracy they would build in this great province.

And here we are again, with another time allocation motion. The government decides it doesn't want to do things the way they should be done in this Legislature, which is to give proper time for debate, to give the opportunity for members of the public to come to

committee to speak on bills like this one, so that the police chiefs who were here in numbers today would have been able to come before the committee to talk about what they would have liked to see in this bill when it comes to red light cameras, and about how they probably would have liked to see this expanded to photo radar or other initiatives when it comes to the use of technology, so that we wouldn't have to be coming back with yet another bill, as we did with this one, because we didn't get it right in the first place.

Government brought this bill in some years ago to give municipalities the ability to do this as a pilot project. Now we're back again. We're having to reaffirm that authority we gave to the municipalities by way of this bill. All I'm saying is that if the legislative process was such that we had proper debate in this Legislature, and the government didn't yet again use time allocation and allowed things to go to committee, we probably wouldn't have to be here with this bill. That's the first point.

1630

The second point I want to make: where were you guys when photo radar was around? Boy, I find this a really amusing story. On photo radar, I remember Michael Harris, Chris Stockwell, Bob Runciman and a whole bunch of people who sat in the Tory party, the third party, when we were in government, and they just got up and railed against the technology. They said that to use cameras was an invasion of privacy. There are all kinds of quotes in Hansard that one could use to show how they didn't like the use of technology when it came to the surveillance of traffic, be it photo radar or red light cameras at the time—I remember that in the debate at the time, we had talked about red light cameras as one initiative, and I remember Mr Stockwell and others getting up in the House and railing against the use of technology.

I just find it passing strange that the government has yet again flip-flopped. They have changed their minds. They've decided that what was said in opposition was a different thing, and now that they are in government, they see it another way.

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): That was then, this is now.

Mr Bisson: That was then, this is now. As my good friend Mr Cleary has pointed out, they gave a quite different line when they were members of the opposition, but when they were the government it was a complete change of position.

So I say, better late than never. If you are going to get on to the bandwagon of technology, it would have been good to see you guys there prior to 1995. You have changed your mind, but I just want to point out that this is not in keeping with what you were saying when you were the third party back before 1995. I just have to point it out, because the government always likes to talk about how basically they always do what they say and say what they do. Well, that was a case where they didn't do so.

The last point I want to make is a point that my good friend the member from Beaches-East York has raised as

our municipal affairs critic, and this has to be said for the debate. We gave a temporary authority to municipalities to deal with this issue. We said, "Temporarily, we as a provincial Legislature will allow you to deal with those traffic issues within your communities, when it comes to red lights, by the way of use of these technologies." I would just think that we have evolved in this province to the point that we trust municipalities enough to give them that authority in the first place so that they don't have to come back to the Legislature and change the legislation every time it comes to this kind of issue.

To the members across the way, if you had taken your time and done this right and allowed this bill to go to committee, as it should, we would be able to take a look at the issue of giving municipalities the authority they need to deal with these types of issues on their own. I believe that in the end they are better positioned to decide where a red light camera should or should not be installed in a community, because they are the ones who are closest to the people, they are the ones having to deal with this on a daily basis. It is certainly not the province of Ontario that sees what happens on the corner of one street and the other in some community in the province.

With that, I know that my good friend the House leader, Mr Kormos, has much to say, but yet again I just had to say it. Here we go again: say one thing when you are in opposition, but Tories say quite a different thing when they come to being government, both on this bill and on the issue of democracy. This is a sad day in democracy when we are back with yet another time allocation motion.

Mr McDonald: It gives me great pleasure to rise today in the House to offer my support of the Red Light Cameras Pilot Projects Extension Act, 2002. The bill was first introduced before our summer recess last June, and you would remember that the purpose of this legislation is to extend the red light camera projects for an additional two years, which would last until about November 2004.

Ontario has the safest roads in Canada and the second-safest in North America. The legislation before us today would build on Ontario's strong record of road safety. The proposed legislation would amend the provisions of the Red Light Cameras Pilot Projects Act of 1998, I believe, which was passed by the Legislature in December of that year. Under that legislation, the province authorized municipalities to install and operate red light cameras at intersections within their respective jurisdictions. The legislation provided for a pilot project of two years. However, it now appears that the municipalities have indicated that they would like to have more time to assess this technology's effectiveness.

It is interesting that our government is listening to the municipalities and is reintroducing this legislation to extend the pilot projects. I find it very interesting that the members on the other side of the House are agreeing to support this legislation but are dragging their feet. They are dragging this out and they want to go on and on and on about it.

I would just ask that we all work together to pass this legislation, which is very important. The municipalities are asking for us to extend the pilot project. I was the deputy mayor of the city of North Bay when I was there and I always found that if you asked and came with a reasonable request, the government of Ontario usually listened. Here, these municipalities are coming and asking us to extend this pilot project, and I firmly agree that we should. I think we should support these municipalities.

Under the draft legislation that we are currently considering, the government is proposing a two-year extension of the red light cameras pilot projects. These pilots have been underway in six municipalities over the past two years. They're designed to test the effectiveness of red light cameras at major intersections as a deterrent to drivers who run red lights.

Red light running scares and angers motorists, yet many of these same drivers admit to putting themselves and others at risk. A recent survey shows that 96% of drivers—Mr Kormos, 96% of drivers—are afraid of being hit by a red light runner, but nearly one in five admit to running a red light in the last 10 intersections—not 10 days, 10 intersections.

Evidence elsewhere indicates that red light cameras have led to significant decreases in intersection violations and crashes. In fact, red light cameras have become a routine in many countries. Red light camera systems are currently operating in more than 45 countries, including Australia, Germany, Hong Kong, Singapore, South Africa and the United Kingdom. That's just to name a few examples.

In the United States, 12 states have legislation permitting the use of red light cameras. New York City, for instance, has the largest red light camera program in the United States. There, the red light violations at photo-enforced locations have been reduced by 60%.

In Canada, red light cameras have been installed in British Columbia, Alberta and Manitoba as well as here in Ontario. Here, six municipalities are participating in the pilot projects. They are the cities of Toronto, Hamilton and Ottawa and the regional municipalities of Peel, Halton and Waterloo. These municipalities implemented two-year projects in November 2000. Preliminary results show that red light running violations are down by 40%. The final evaluation of these pilot projects is expected in 2003.

I would now like to briefly describe how red light cameras work. Red light camera systems are connected to traffic lights, and the sensors are buried in the pavement at the crosswalk or stop line. The cameras are set to detect red light runners and not motorists that enter when the light is amber.

The system continuously monitors the traffic signal and triggers the camera to photograph the rear plates of vehicles entering the intersection after—after—the light turns red. A second photograph is taken to show the offending vehicle in the intersection.

Both photos are of the rear of the vehicle. The camera records the date, time and speed of the vehicle. A clear image of the vehicle is produced under a wide range of light and weather conditions. Plate numbers are matched with plate registrant data provided by the Ministry of Transportation.

I think that's very clear. I think that's great technology. It's a great way to protect the motorists and pedestrians of the province of Ontario.

Mr Peter Kormos (Niagara Centre): It sounds like photo radar to me.

Mr McDonald: I'm sure you agree, member from Niagara Centre, that this is a great pilot project. I'm urging you—and I think you support this legislation, I really do. You want to stand up and support it, and I think you have stood up and said you're going to support this. I thank you for that.

If a provincial offences officer believes that red light running has occurred, a ticket is issued.

All told, the municipalities piloting the project are rotating 18 cameras through a total of 70 intersections. Increased police enforcement took place at an additional 30 intersections in these same six jurisdictions. The participating municipalities charged more than 25,500 vehicle owners from November 20, 2000, to September 30, 2002, for red light running.

Preliminary data shows a 40% reduction in red light violations at these test sites. In other words, these pilot projects are working. They're reducing the number of individuals who are running through red lights. I believe that we should extend this pilot project. In fact, the municipalities are even asking us to and I believe that we should listen to them.

1640

While these results are only preliminary, they suggest that red light cameras may have significant road safety potential. I think the stats that I've just conversed with you about show it's working fine. They also suggest that it is well worth our while to extend the pilot projects for a further 24 months.

I believe it is important that, together with the province, these municipalities have shown tremendous leadership in exploring approaches to enforcing our traffic laws. On behalf of the government, I'd like to commend them on their efforts as outstanding road safety partners.

We all know that many efforts and approaches are needed to improve safety on our roads. That is why, in addition to the red light camera projects, the government has asked the participating municipalities to increase their efforts at traditional enforcement. As a result, the police services in each municipality undertook special enforcement blitzes to discourage drivers from running red lights. The campaigns were required to last a minimum of 20 hours a year at selected high-risk intersections for each year the pilot projects were carried out. The goal here was to give us data as a basis for comparing the effectiveness of red light cameras and traditional enforcement methods, and a combination of the two.

By giving the municipalities another two years to study the effectiveness of red light cameras, this proposed legislation could have a significant impact on the future of road safety in Ontario. Certainly, after four years, we'll be in a much better position to assess the results of the projects and, with those results, the potential benefits of red light cameras.

Ontario can be proud of its outstanding record in road safety. We have an average of 1.05 road fatalities a year for every 10,000 licensed drivers. Ontario has the lowest fatality rate in Canada and the second-lowest in North America. That's why I'm urging all of us here in the Legislature to support this legislation so that we will continue to add safety to pedestrians and motorists on our highways and roads here in Ontario.

At the same time, we must all recognize there is room for improvement. It is estimated that collisions in Ontario cost approximately \$9 billion a year. The cost of red light running has been estimated at close to \$300 million, including hospital bills and property damage as well as the pain and suffering of the collision victims.

Our government will continue to place a high priority on maintaining the province's excellent record in road safety while continuing to work for safer roads in the future. Red light cameras may have an important role to play in the future of road safety. Extending the red light pilot projects that have been underway for the past two years will help us determine what that role should be.

The bill would respond to the municipalities' requests by letting the pilot projects continue until November 20, 2004. If evaluation shows red light cameras are an effective tool, this legislation contains a provision for repealing the deadline for completing the pilot projects before November 20, 2004.

This speaks to the concerns that some of the members opposite had about extending the red light project. We want to study the effectiveness of this for another two years in co-operation with the municipalities, which have requested an extension. They've requested it. They've asked the province of Ontario for the extension of the two years, and I believe that every member in this House would want to support their request and support this legislation.

There would be a provision for repealing the deadline for completing the pilot projects before November 20, 2004, through an order in council. In effect, that would make the legislation permanent.

The proposed legislation is designed to improve the safety of our roads. Ultimately it could and will help save lives. So I ask all my colleagues here in the Legislature to join with me today in supporting this important initiative, in partnering with the municipalities that want to continue with this important pilot project to provide that safety factor for our pedestrians and motorists in the province.

Mr John Gerretsen (Kingston and the Islands): Why don't you just make it permanent?

Mr McDonald: I understand the member from Kingston would stand up and say that he's going to support this

as well, and I appreciate his support. You will get an opportunity to speak. I'm happy to turn it over to you at any time so you can stand up and say that you will support this legislation, you'll support the people of Ontario, the pedestrians and the motorists and the municipalities that are requesting this extension, that you will support that. And I believe that you will. I believe you'll do the right thing and we'll all stand up here and support this legislation.

Mr Speaker, I've taken enough time tonight and I would like to thank you for the opportunity to speak on this bill.

Mr Mike Colle (Eglinton-Lawrence): It's remarkable how things change in this House. I can remember that the members across the way, when we first started to talk about the need for red light cameras, said they didn't work. They said that they were an invasion of privacy. They said to let the policemen do it; they don't need red light cameras.

Mr Kormos: Orwellian.

Mr Colle: Yes, Orwellian. Day after day they blocked every attempt to try to introduce my private—

Interjection.

Mr Colle: Yes. They just refused to listen. Now they're basically quoting back some of the things that I put into the record. I guess somehow there's been a change over there. They realize the people of Ontario are very serious about safety on the roads. They didn't believe this government, which for three years blocked this legislation. Ironically enough, this government is now still saying we need another pilot project.

Very mature municipalities like the city of Toronto said, "We should have the right to employ a safety device if it works." Why should they have to come back here begging to Queen's Park to get a simple camera system that saves lives? This government itself says that they work. They've reduced red light running by 40%. They are in 40 countries. What other proof do you need if the municipality and the police force want them? This is the paternalistic attitude of this government that continually downloads to municipalities and then, when municipalities want to do something, says, "You can't." As you know, even if the municipality wants to put a certain notice on a tax bill they can't do it unless the Minister of Finance says it's OK. This is how paternalistic and ludicrous it is.

When it comes to safety, they're putting up bureaucratic roadblocks. I think any municipality that wants to have red light cameras or other safety initiatives like traffic calming should be able to do it without begging Queen's Park and interfering with good safety regimens that they have in municipalities. Because Queen's Park doesn't really understand how cities work. They're more interested in power and control. They're not on the streets with the traffic officers; they're not there with the local transportation officials who know best about how to make streets safe. That's why we're back here again.

This is an automatic piece of legislation but somehow this government has to put the municipalities through

another two years of pilot projects. Nowhere else in the world where you have this kind of technology do they have these types of bureaucratic roadblocks like they do here at Queen's Park, where they want to control the stoplights, school boards and swimming pools, they want to control the whole world. But Queen's Park does not know best, and that's certainly been proven in the way they made such a mess of the hydro fiasco—if you want to see the proof in the pudding.

1650

One of the interesting things that the Ontario Association of Chiefs of Police have brought forward is that they are great supporters of red light camera legislation; they have been from day one. But they do mention that one of the things they want to see us help them with is the whole issue of traffic safety in Ontario. They're very concerned that the serious problems with traffic are not given enough attention. Look at some of the facts they put forward: an estimated 85% of motor vehicle collisions are caused by driver error; impaired driving remains the leading criminal cause of death; in 2001 there were 2,900 traffic fatalities.

The RIDE program, as well as regular patrol enforcement, has deterred many potential drinking drivers. Maybe we need RIDE going all year round; why just at holiday time? Sixty per cent of unbelted fatally injured occupants in rollover crashes were ejected from their vehicles. We have to do more education about keeping that seat belt on. Almost 600 vulnerable road users, that is, pedestrians, cyclists and motorists, were killed in 2001 in traffic-related crashes. These are some of the things the Ontario Association of Chiefs of Police is very concerned about and wants this government to pay more attention to. Thirty per cent of all fatally injured pedestrians were seniors, who are at risk when they cross an intersection, especially when people don't obey a simple red light.

The Ontario Association of Chiefs of Police is asking for help. What they're saying is that they've got front-line officers who because of downloading now spend their time as court officials. Remember in the old days when they used to have court Commissioners that used to take care of the routine transportation of criminals? Now you've got front-line officers driving prisoners all across the province when that could be done through the province. The Attorney General's office should be doing that, not front-line officers. They could be doing better things in terms of tracking down criminals. They don't want to be spending time being taxi drivers for criminals.

The front-line officers also say that they're spending too much time on paperwork. This pilot project is more paperwork for front-line officers. That's why they're saying that the government has really been dragging their feet on the integrated justice project. The front-line officers have got all their homework done, they're all integrated from the front-line officers' perspective, but this government has basically dropped the ball on the promised private sector partnership they're supposed to put in place—it's not there any more. The integrated

justice project is basically nowhere right now because this government has not put in the resources to allow the police to, in essence, get rid of the paperwork that is now on their desk, prohibiting them from doing their regular routine work, which is catching criminals and preventing the horrific homicides, for instance, that occur in Toronto.

The police chiefs of Ontario say they need help in getting away from their desks, getting away from the bureaucracy and getting out there to do their work of preventing accidents and crime. But this government, with its downloading attitude, has not given them the resources, basically, on their end of the bargain to enable them to do what they do best, and that is make our roads and streets safer. This government is not really living up to its commitment, especially in those two areas, the integrated justice system project, which they said they were going to do, and they have not fulfilled their commitment there.

I would also say the critical thing here is that many things are done best by local municipalities. From day one, this government has intervened with downloading. In other words they've said, "You've got to take care now of social housing, you now have to take up public transit, you have to take care of the welfare system, you've got to take care of social services—on the back of property taxpayers." Subsequently, the municipalities are scrambling to do what they do best, and that is, make our roads safer, pick up the garbage and take care of our children's recreation programs. They can't do it because of the avalanche of downloading of all these services, and one of them is the downloading of the responsibility of our courts. The policing of our courts should be done, certainly, in acute situations when you have a violent criminal who maybe should be taken to wherever he or she has been assigned as a result of the verdict. But there's too much time spent by good officers doing paperwork because of this government letting front-line officers down. So let's get rid of the paperwork.

This legislation is a no-brainer. We said it should have been in the first piece of legislation, when they refused to have public meetings. The clause should have been in there to trigger a further pilot project if you wanted it. Instead, they didn't listen; they didn't have public meetings. Now we're back here again fixing up the legislation because they didn't listen a couple of years ago when this legislation was introduced.

What we're saying here is, get out of the business of sticking your nose into things you know nothing about. Let the local police, the local mayors and the local ratepayers do what they do best, and that is, take care of issues that affect people in their neighbourhoods, their streets, their parks and playgrounds, and spend less time interfering and less time downloading. Let them do their work. Get off their backs and give them the tools to service and protect people.

Instead, all you're doing is interfering, downloading and forgetting that they are taxpayers. They are citizens who are mature adults. They have elected officials and

very vibrant ratepayer groups. Let them do the work. Why do you keep interfering in what the police know best? From day one the police were in favour of this and you blocked the police from implementing these red-light cameras.

Your government, your Mike Harris said it was crazy. Are you going to stand up and say Mike Harris was wrong because he blocked the red light cameras? Stand up in your place and say Mike Harris was wrong in blocking red light camera legislation. I dare the member for Nipissing to stand up and say that Mike Harris should have passed my private member's bill four years ago instead of blocking it. Stand up and say that.

Mr Kormos: Yes, I am amazed. I listened to the comments of the member for Nipissing, who has such glowing support for the use of photo technology in apprehending violators of the Highway Traffic Act. I took it to its next logical stage and I could all but hear the member for Nipissing endorsing photo radar, because every one of the arguments that he made on behalf of photo red light is similarly applicable to photo radar.

Let's put into context this particular piece of legislation because this indeed is, among other things, *inter alia*, yet a tool in the tool box. In no small part, this flows from the bifurcation of the provincial offences system and the downloading of a portion of the provincial offences system to municipalities who opt in. I challenge the member for Nipissing, in the context of that, to explain why this isn't as much an opportunity to generate cash flow for that municipality.

I have no doubt about the effectiveness and I can't quarrel with these statistics that the member reads into the record. I'm not aware of any contrary statistics and, indeed, the numbers that have been offered to us are phenomenal. I was in Kingston once when I got T-boned in an intersection by a person who went through a red light. At the end of the day, the fact that there wasn't red light radar there may not have deterred that person. But for the fact that had that person in that community known that community was using red light photo apprehension—I mean, that obviously cleans up a whole lot of people's acts.

1700

But one of the problems is—and let's be very candid and honest about this, because some of the same traditional arguments against the utilization of technology merely to impose a fine still prevail, and that is that one has to be very, very careful that this sort of technology is but a supplement to strong police presence as compared to a surrogate for it. I have no doubt about the statistics that were read during the course of this afternoon's time allocation motion debate that red light runners are a serious problem. Other Highway Traffic Act violators are a serious problem. Speeders are a serious problem. Drunk drivers are a serious problem. The problem is that when you're relying solely upon the photo technology, the camera doesn't record that the person who went through that red light may well have been drunk to boot, which is

what caused him or her to run the red light in the first place.

I find it interesting that this government has done a 180-degree turnaround in terms of their support for this technology. In terms of the bill, I agree: if the technology, as has been indicated, has been effective in those municipalities where it's been used, well, for Pete's sake, don't just extend the time frame for those prototypical municipalities where the matter is being experimented with. Give every municipality here in Ontario the opportunity, if it so chooses, to use this photo technology to apprehend people who go through red lights. Because I have no doubt—common sense tells you—that once word spreads in town that that municipality uses this kind of technology, people are going to be far more careful about running red lights. I have no doubt about and no quarrel with the fact that people who run red lights constitute a significant danger to other people using the roadway, both people in vehicles as well as pedestrians, no two ways about it.

But the issue isn't the legislation today. The issue is the time allocation motion, because the legislation requires more than just cursory examination. You've already heard some of the critique: why is yet another mere extension, when the government would say it's been oh so successful? Why is it restricted to only those municipalities that have been the prototypes for the utilization of this technology? If it indeed has been oh so successful, why aren't other municipalities given the opportunity to utilize the technology as well? But today is the time allocation motion.

During the course of this debate, what do I get served on me but another notice of yet another motion allocating the time on Bill 148. Yikes. Once again, this time allocation will preclude, prohibit, prevent, not just restrict but eliminate any third reading debate. These guys over here are trying to rewrite the standing orders through the back door when they haven't got the courage, the guts or the gonads to do it through the front door eliminating third reading debate. Bill after bill after bill after bill has had third reading debate denied it.

I understand that this government may have very little regard for parliamentary traditions and for the good service that those traditions and rules have provided democracies over the course of—we're not just talking years; we're talking decades, generations, centuries. I find it incredibly frustrating that this government, in its time allocation motions, hasn't just curtailed any prolonging of second reading debate, but indeed, during the course of passing a time allocation motion, eliminates any prospect of third reading debate. There's something incredibly frightening about that, there's something incredibly insidious about that, there's something incredibly—I don't know—unparliamentary about that, I suppose.

It causes one to wonder why the government would be so fearful of third reading debate. It causes one to wonder why the government is so fearful of public hearings, committee hearings. It causes one to wonder why this government is so fearful of even second reading debate

that extends beyond three mere afternoons. One can only arrive at some irresistible conclusions, I suppose, and that is that government members are disinclined, disinterested and ill equipped to stand up in their place here in this Legislature during the course of debate and explain why they're supporting or—far be it from me—not supporting a piece of government legislation.

One would think that individual members of the government backbenches would have a serious interest in resisting time allocation motions, because not only does it shut down the opposition, it shuts out backbench members of this government. I would expect backbenchers in this government to stand up and express their anger and their concern with their Premier, with their House leader, with their whip, with all the other capos in this band here across the way.

Interjection.

Mr Kormos: Capos, capo, c-a-p-o, and the plural has "s", of course.

One would think there would be a rebellion brewing, Spartacus-like, among the oppressed backbenchers of this government caucus. Why, we heard—it was so inspiring—one of the government backbenchers indeed rise up and throw off his shackles and speak out clearly and firmly against this government's policy of deregulation and privatization of hydroelectricity and electricity in general in this province. What a refreshing thing to hear one of the government members soundly criticize this government's electricity policy, the privatization and deregulation of electricity.

I saw that member being scrummed outside after question period and he was relishing the opportunity with all of the TV cameras and the print reporters and the radio reporters. That government member was relishing the opportunity to condemn soundly this government's policy of deregulation and privatization of electricity, hydroelectricity amongst it, here in the province of Ontario.

That government member, that Conservative caucus member, with pride spoke out on behalf of his constituents, saying that this government's policy on hydro deregulation and privatization is wrong-headed, that it's resulting in higher and higher electricity prices and something has got to be done about it. That government caucus member showed boldness and accountability and responsibility to his own constituents and was bravely and boldly speaking out against yet more wrong-headed, ill-designed, ill-conceived, poorly planned and indeed dangerous government policy.

Nobody had a chance to ask that member and he won't have a chance to join the debate about time allocation motions, and for the life of me—thank you very much, Kalaneet. Kalaneet is the page from down in Fonthill-Pelham way, for Niagara Centre. Her dad was in the members' gallery earlier today. I had lunch with her yesterday, and she is—that's OK, Kalaneet—one of the most delightful young people: incredibly bright, incredibly mature, incredibly responsible and well travelled. She's but a fraction of a fraction of my age, and her

passport has got far more visa stamps in it than mine has ever imagined acquiring. She's at least bilingual and on the verge of being trilingual. I was just so pleased and proud to have Kalaneet join the other pages here at Queen's Park.

I digress for a minute. She just brought me some material from the library. She was doing some research for me on an earlier bill, so I appreciate that very much. I want to tell Kalaneet how proud I am that she's been a page representing Niagara Centre here. I'm looking forward to reading about her in the years to come as she excels at the things that she plans to do. She told me—I hope this doesn't embarrass her, but she has a passion about getting into pediatric medicine. I have no doubt that she will excel at that, that she will be a leader in her discipline, in her field, and that during the course of acquiring those skills she's going to impress a whole lot of other folks along the way.

1710

I should mention to you that New Democrats are voting against this time allocation motion. We are opposed to it. The time allocation motion is grossly premature. There have been but three brief afternoons of debate on this matter. During the course of that debate, you've heard a number of issues that can be legitimately raised around this bill.

One is the question as to why the bill is but another extension when the government says that the experiment has been oh so successful, why the bill continues to restrict the utilization of this technology to but those prototype municipalities that first were permitted to use them, as well as the clear observation that this government endorses photo radar when it so wholeheartedly campaigned against photo radar in its 1995 election bid and appears to have done a complete reversal, a complete flip-flop on the issue, and now appears to be contradicting everything that it claimed was wrong, evil—indeed—and I quote from the former leader, the absent leader.

One columnist referred to the exercise like the child's game of "Where's Waldo," looking for Waldo. Instead, over the course of the last weekend it was a matter of "Where's Mike," looking for Mike—can you spot him in this big picture of all these little heads? But former leader of the Conservative Party Michael D. Harris, referring to this same photo technology as totalitarian, Orwellian and mere cash grab—my goodness. Full circle. Yet indeed not even anywhere near far enough.

This legislation warrants committee hearings. I suspect there'd be a whole lot of municipalities that want the same opportunity that municipalities like Toronto and Ottawa have had over the course of the last few years and will have over the next few years. I suppose it's to be said that nothing surprises me any more at Queen's Park. I repeat once again: New Democrats will not be supporting this time allocation motion or any of the other government's time allocation motions in any event.

Mr Richard Patten (Ottawa Centre): I am pleased to speak to this bill that addresses a weakness in the original bill, which was to be too specific on deadlines

for research and was to find out what would be the effect of the red light cameras at certain intersections in cities and towns that would choose to participate in a pilot project.

We're spending all of this time looking at extending a bill that had a sunset clause for another two years. It does afford us, I suppose, an opportunity to say what we have learned heretofore.

The first thing I want to do is acknowledge my good friend Mr Colle from Eglinton-Lawrence, who in 1997-98 was very, very active in promoting the use of these cameras and highlighting the dangers throughout various parts of Ontario. I recall one day when Mr Colle came to Ottawa—he lives in Toronto—and we spent the better part of a morning at the corner of Rideau and King Edward, which is a very, very busy intersection in Ottawa. There had been a number of fatalities and some very tragic ones indeed. We spoke to people, we gave them brochures and we gave them some insight on research that showed the effectiveness of these cameras at stoplights in other jurisdictions, and that we should at least test the particular cameras in our jurisdictions, which of course would end up paying for themselves over time because of the violations that would occur. The ensuing fines would help pay for the technology.

The government decided that it would get into the business of at least doing the tests after many questions and being unable to refute some of the research as to why we should move ahead with this. So they put forward a particular bill.

The Canada Safety Council talks about signage, for example, that should forewarn people and drivers before they come to a traffic light. Frankly, I have some misgivings about that. They argue that this is a deterrent. How many warnings do you need? You know the traffic violations. Anybody who drives has to take a driver's test and they know that you should not go through a red light. That's pretty fundamental. To warn somebody, in my opinion, is unnecessary. The council feels this is a way for municipalities to make a tax grab. If there are people who are running red lights, then good luck to the municipality that has been able to recapture some of the funds.

I would like to refer to one of our planning experts in Ottawa. His name is Barry Weller. He's a geographer at the University of Ottawa and he's studied traffic patterns at length. He has some very good points to make.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): A geophysist.

Mr Patten: He's a geographer, and he has some good points to make about traffic in Ottawa. He said, "There is no question that there are plenty of bad drivers. Ottawa police and local politicians get a steady stream of complaints from citizens, as do the newspapers from their readers." He outlines that our deputy police chief Larry Hill of the Ottawa Police Service says that traffic violations are indeed up—this is as recently as last August—probably because of increased enforcement. There are

always poor drivers out there or people who are prepared to risk their own lives and certainly others.

Obviously this is, according to Mr Weller, a very obstinate problem or it would have gone away a long time ago. Ottawa is one of the cities that participated in this project. There are other ways that cameras could be used in Ottawa, says Mr Weller. He talks about the high-occupancy vehicle lane on bridges, pedestrians, cyclists and in-line skaters. Of course, Mr Weller is way ahead of most of us. I think he has a keen interest in this subject, obviously, and is prepared to look at any possible way of being able to catch people in traffic violations.

I'm the critic for science and technology; however, I also, as a human being and as a member, have some concerns about the growing use of cameras as a generalization. I can recall a couple of years ago when I walked into my bank and all of a sudden I saw this little glass window. I wondered what that was and I said, "You know, it looks like there's a camera there."

Hon Mr Stockwell: There probably was.

Mr Patten: Indeed, there was. It was when I was using the ATM machine. I phoned the bank manager and asked, "What is this?" He told me, "This is for your protection—they're going to take my picture for my protection—"because this will catch thieves who may be trying to rob some of these machines." I said, "Fair enough, but it might have been nice or at least courteous to notify your members." As a matter of fact, it wasn't the bank manager, it was the assistant bank manager. The woman said, "It's not our decision, it's head office." I said, "Fine, I'll phone John Cleghorn myself."

Hon Mr Stockwell: Now we know where you bank.

Mr Patten: Yes, now you know what the bank is. I phoned him but he wasn't really aware of all of this, so he put me on to a vice-president. I spoke to a vice-president and finally they put up a notification saying that these are cameras in these particular machines that are there to protect depositors, blah, blah, blah, which was great.

I think it was the member for Scarborough-Agincourt who pointed out that on the average someone who lives in Toronto gets filmed eight times a day. You get filmed at the bank, you get filmed going through, perhaps, a red light—although the cameras aren't designed for that; it's only the licence plates—and you get filmed maybe walking down the street. As members, we get filmed in the hallways. So I say to members, be very careful. Make sure you straighten yourself up as you walk out of the washroom—

Interjection.

Mr Patten: Exactly, so that you don't embarrass yourselves and you don't see a lot of OPP officers standing around laughing at members who may be exercising a wee bit of indiscretion.

I just wanted to say that, because there's a human rights issue that a lot of people point out and that I believe has some validity. But I am supportive and our party is supportive. If we had a motion from the House leader on this legislation, I think all parties would agree

and we could get on to more substantive issues that I'm sure he would want to have. At this time I'd like to share my time with one of my colleagues.

1720

Mr Ernie Parsons (Prince Edward-Hastings): As a civil engineer, I am very interested in traffic management, so I am pleased to speak to this bill. I think it is sometimes very frustrating to people when one bad driver can create a situation that causes literally hundreds or thousands to be in an accident or to be backed up and to create problems.

Just in the last three and a half years that I've been driving to Toronto on a regular basis, I think the roads are actually much safer in this area. I say that because at five or 10 kilometres an hour, driving through downtown Toronto or even driving on the Don Valley or the 401, it's very difficult to have a serious accident. So if there is a good side to gridlock, it's that the accidents are much less severe and there are far fewer of them. On the other hand, gridlock costs everybody time and money.

As I drive into Toronto and see the backups and the problems, there is a frustration that exists with drivers as people try to get from home to work or vice versa, to make deliveries or just make a living. Although I think I understand why they run red lights, it is still inexcusable. I also appreciate that from the viewpoint of using our police resources, it is simply not possible for someone to sit at each of these corners. The idea of a camera that will photograph someone going through and then sending them a bill has a great deal of merit.

Indeed, were I doing it, I would put the camera boxes—the containers that go outside the cameras—at almost every intersection. In my experience as a school board chair, we put cameras on school buses. It solved a lot of arguments afterward as to whether John or Mary had misbehaved, when the parents were invited in to see the video. We put the cases on almost all the buses and we simply moved the cameras from case to case so that no one actually ever knew whether it was on. I'd suggest that's an easy way to increase effectiveness.

I believe, though, that there is a need to negotiate with other jurisdictions, whether it be Toronto, Ottawa or Windsor, whatever city chooses to use these over the long run. We have people from outside the province coming into Ontario. They may choose to violate a red light and they need to be subject to the same standards that Ontario citizens are. We need to negotiate with other provinces and adjoining US states to ensure that if someone is photographed, that state or province makes a commitment that it is a legal fine that could be imposed on them.

We have that on some things now, I believe, such as the 407, if someone from out of province is on the 407 and their licence plate is photographed. It's one thing to make it legal for the bill to be sent to them. We also need agreement from the other jurisdictions that they will enforce the collection of the fine, so that if someone goes through a red light here in Toronto, the other state or province will ensure the money is in fact collected.

Having said that, there's great merit to the bill. I struggle as always with the concept of time allocation. Once again, as with virtually every bill before this House, the attempt is to stifle conversation on it and to force it through, rather than doing it co-operatively and saying, "Let's look at amendments." There has never been a government bill from any party that's been perfect. Listen to some advice. I'm a civil engineer.

Interjection.

Mr Parsons: I would ask the Minister of the Environment to at least be civil. If you can be half the person I am, you'll be a better person for that. I'm out of time.

Mr Bart Maves (Niagara Falls): The member opposite just finished saying that he was an engineer. Did he know the member for Lanark-Carleton was a lawyer and an engineer? I think most members do know that and I'd like that to be read into the record.

I just want to quickly point out that in August, 1998, because red light running was a problem in this province and elsewhere, we brought in stiffer penalties under the Highway Traffic Act for drivers who run red and amber lights. We more than doubled the fine for running a red light, from a minimum of \$60 to a minimum of \$150. Red light running is dangerous and irresponsible and is also a significant cause of injuries and deaths on Ontario roads.

What else did we decide to do about this? Last June the Minister of Transportation introduced this bill. This is a one-page bill. The participating municipalities and our government would like to see this bill passed as soon as possible, and I'm going to get to the charges of the members opposite about the time allocation motion, which is really what we're talking about tonight, a time allocation motion for the red light camera project.

This legislation is amending the provisions of the Red Light Cameras Pilot Projects Act, 1998, and that statute was approved by this Legislature in December, 1998. Its provisions authorize municipalities to install and operate cameras at intersections as a tool to help reduce red light running. This was a bill that was passed to introduce red light cameras as a pilot. The act provided municipalities with the authority to conduct red light cameras pilot projects for a two-year period. The participating municipalities are conducting a study to assess the effectiveness of red light cameras at high-risk intersections as a deterrent to drivers who run red lights. Under the proposed bill, the pilot projects would be extended for another two years until November 2004.

So why are we here today? We brought in the bill to let municipalities pilot this project. The six municipalities currently participating in the pilot projects asked the province to enable them to test red light cameras further, for an extended period of time. The six participating municipalities are the cities of Toronto, Hamilton and Ottawa and the regional municipalities of Peel, Halton and Waterloo. In addition to piloting the red light cameras, the six municipalities have also conducted a number of enforcement blitzes on local roads in co-operation with local police. The goal of this dual approach is

to help determine the combined effectiveness of red light cameras and increase traditional enforcement in deterring red light running.

The initial results of the red light camera projects are promising, but the municipalities feel they need a longer period to evaluate this technology. Hence, they've asked us to extend the pilot for another two years. Five of the six municipalities only have asked the government for this two-year extension of pilot projects. So the government is seeking the Legislature's approval to let the red light camera projects run for another two years.

The members opposite—the member for Welland-Thorold and the member for Prince Edward-Hastings—get up and talk in such phony terms, with such phony outrage about a time allocation motion on this bill. We're outraged on this side of the House that the members opposite support the bill—it's a one-page bill—and they won't let it go through. So they're keeping us here speaking about this bill over and over and over again, when every member of the Legislature is in favour of the bill.

Why do they do that? I want everyone at home to know it's just a little parliamentary trick. Instead of letting the government go on and talk about other bills which are perhaps more pressing and more important to the issues of the day in the province, the members hold us up and keep us debating this one-page bill that they agree with. So our House leader, the good Minister of the Environment, the member for Etobicoke Centre, who is at his wits' end in trying to negotiate with the members opposite to let this bill go through, which they agree with, finally said, "I've got to introduce a time allocation motion. Otherwise, we'll never stop debating this bill, and we've got other things we want to move on with." So he introduced this time allocation motion that we came here to speak to.

1730

The members opposite get up with great theatrics about this government ramming things through. Well, it's phony. It's completely and totally phony. And then do you know what they're going to do at the end of the session? They're going to add up all the time allocation motions and all the bills that the government time-allocated, as if it's some big, sinister plot by the government to shut down democratic debate.

It's all just a little game of inside politics and inside baseball. The only people who are hurt by it, quite frankly, are the people of the province of Ontario. Why? Because the legislators that they elect to come in here to debate bills for the province that will improve their lives—everything else is put on hold while they play their little inside baseball game of not allowing the government to move forward with this one-page bill that they agree with.

So it's absurd. Every time the people at home hear the members opposite get up and frown and do the anti-democratic rant about time allocation motions, know and understand that the members opposite refuse to let these bills go through, and that's why our good House leader,

who bends over backwards for the members opposite, has to introduce these time allocation motions.

Thank you, Speaker. I'll leave some time for my colleagues.

Hon Mr Stockwell: If any member on the government side wants to speak, I'll be happy to give that.

As the government House leader, it is tiresome to hear these arguments placed by the opposition. And it's not debate. I don't mind having debate on things we honestly disagree with, and that's what this place was meant to be. I say to my friend Mr Marchese, this is what we were supposed to be sent here to do. But right now we have three bills before this House—three—that we're all voting in favour of, and we're going to take 12 sessional days because the members opposite won't let the bill go through so we can actually debate something that you guys may think is important.

I say to the member for—I don't know; it was Fort York.

Mr Marchese: Trinity-Spadina.

Hon Mr Stockwell: Trinity-Spadina. OK. The House leader for your party insists on having three days' debate. And you know, it's so sad; it's so terribly sad. He insists on all these days of debate, and he can't even find anyone in his own caucus to debate the bill. So he makes everyone hang around at night because he won't get anyone in here, and he tells me—

Interjection.

Hon Mr Stockwell: I'm not letting you off the hook; I'm coming to the Liberals in a second. But then I end up with a situation—I appeal to the NDP caucus. You tell us this is becoming irrelevant. Well, yes, it is becoming irrelevant in here, because we're taking 12 days—for instance, debating this bill. This bill for the testing of red light cameras was passed in 1999. Everybody voted in favour of it. Same thing.

The municipalities asked us, "We need to extend this two more years. Can you please pass something through the Legislature?" We said, "OK. If you want us to do that, we will." We bring it to the House, and what do we get? The same tired old arguments of shutting down debate on a bill that's going to extend red light cameras for two years that the local municipalities asked us to pass. It's awful. What an absolutely disgraceful use of public time in this place. Disgraceful. It is a disgraceful use of public taxpayers' time to stand in this place and argue this bill for four days in the Legislature.

I did say to the members opposite, "There are some important bills on the order paper. You want six days or seven days to talk about those rather than time allocation? Let's do that." What a far better approach, to take time on bills that we have a fundamental disagreement about. But no. What the members opposite want to do is say, "Oh, the government shut down debate. There's another time allocation motion they are moving on another bill that we're voting in favour of."

This is idiotic, just patently idiotic, that we have to sit here for four sessional days to talk about a bill that we're all voting in favour of and that the municipalities asked

us to pass, and all you guys agree with the municipalities asking us to pass this bill. We've got bills that everyone wants to talk about, but we end up with the House leader from the third party insisting that nothing goes through this House unless you time-allocate it, regardless of how insignificant it is.

You want to hear another one we're doing? Bill 148, the Emergency Readiness Act, in case an emergency happens. We all agree with this bill; we're all voting in favour of it. "But we'll hold it up because you haven't time-allocated that, even though we're also voting in favour of emergency preparedness." So if something goes wrong and we're not prepared, the public can know full well that it's not passed because the members opposite, particularly the third party House leader, didn't want it to go by until we had to time-allocate it, even though they're voting in favour of it.

Here's a beauty. Do you know what else we can't get through, directly responsible to the member from Welland-Thorold? When you see a cop pulling someone over on the highway ahead of you, you should slow down and pull to the left. But, holy smokes, we should debate that, even though we're voting in favour of it, four days. What do you think we're debating: "Speed up and pull to the right"? "Stop in the middle of the highway and let someone hit you from behind"? "Slow down and pull to the left." But no, we need to have three days of debate on that and a time allocation because the member from Welland-Thorold is dysfunctional.

Interjection: Like the Osbournes.

Hon Mr Stockwell: He can't get along with the Libs or the Conservatives or his own caucus. He could have his own show like the Osbournes; honest to God, he could. He's dysfunctional. His own caucus doesn't even like being here. Then when he makes us all stay here at night to debate a bill, he doesn't have anyone to speak to it because his own caucus thinks he's nuts. This is where we're left, and that's the difficulty. I'm constantly having to deal with this.

Now we've got the Safe Drinking Water Act, which I think everyone would like to talk to. We could have six, seven or eight days' debate. But we can't, because instead of passing these things quickly and not using four days—we could have seven or eight days on the Safe Drinking Water Act or another bill that you may not like. I understand. We should have debate on that. We can't because we've used up all this silly time. That's what it is, silly time, for the member from Welland-Thorold to be silly.

Then I get in here and the civil engineer—where is he from? Ernie Parsons, the member for Prince Edward-Hastings—stands here and starts railing on about time allocation motions. "Oh, you're shutting down debate. The government House leader is not letting us, and here's another time allocation on red light cameras." Then when they come in with, "If you see a cop giving a guy a ticket on the 400, you should slow down and move to the left," "Oh, you're time-allocating us. We're all voting in favour of this bill, but what an awful person you are.

You're shutting down the democratic process." What do you want to do, Ernie? What do you want to do, pull to the right and hit the cop? This is where we are. This is how crazy this place has become.

Mr Rick Bartolucci (Sudbury): Red light cameras—just pulling over to the side.

Hon Mr Stockwell: No. The red light camera bill, and then pulling to the left is a different bill, and the emergency preparedness is another bill. So that's 12 days of debate on bills we're all voting in favour of. We've already had four days of debate on this red light camera bill when we originally passed it.

So the time allocation stuff you get, I say to the public out there—

Mr Bartolucci: Who brings in the agenda?

Hon Mr Stockwell: We do. Who orders the business of the House? To the member for Sudbury, who I find to be an honourable and decent person and who I think does deal with this in a very fair and honest fashion, we do. We order the business of the government.

But the point I'm trying to make here, and I know it's not too difficult a point for the members opposite to get, is that we have to bring this bill in. It has to pass the Legislature. It can't be done by regulation. So we order the business of the House and we call this. What I try to do, if it's a non-controversial bill that we're all working in favour of to get passed, is say, "Look guys, let's have one day of debate on this." We're all in favour. We're not making any yards. You make us sit at night. No one comes anyway. Nobody wants to debate the bill. Even the guy who is holding us up can't find anyone in his own caucus to debate the bill. He can't even debate the bill. He gets an hour leadoff and he talks for 20 minutes. There's nobody else to talk to.

Why don't we make a deal and get these bills through in one day, I say to the member for Sudbury and others? Then we could take all those extra days—we're sitting here until the 12th anyway—and talk about bills that mean something to people.

Mr David Ramsay (Timiskaming-Cochrane): Why don't we vote now?

Hon Mr Stockwell: I'd love to, except now it's a time allocation motion. I have to wait until my members are here, because if we vote early they may not be close by. So I've got to bring all the members back to vote on a time allocation—

Interjection.

Hon Mr Stockwell: This isn't complicated. You know what? I'm going to explain this one to you.

Mr Kormos: Where are they?

Hon Mr Stockwell: To the member from Welland-Thorold, this is obviously too complicated again. What happens is that we have ministers with offices all around Toronto. They're told to come back at 10 to 6 when the vote happens. If you call it early, they won't be back. I'm sure you're not voting in favour of a time allocation bill, so we won't have enough members here, and it loses. I've got to come back and reintroduce the bill and do it

all again for the dysfunctional family on the very end of the row over there.

Interjection.

Hon Mr Stockwell: There's the civil engineer from Prince Edward-Hastings, the deep thinker, the pointy head of the Liberal caucus, the guy who just railed on at me because it's another time allocation motion. He wasn't here when I was talking about it. Maybe he was watching TV, I don't know.

What I was trying to get across to you was that we have no choice but to time-allocate these. I don't think you want to spend any more than three days debating this bill; I can't believe it. My sense from your House leader and the whip is that I don't think you wanted to spend three days debating this. I don't think you wanted to spend two days debating this. I think you would have done it in one day.

1740

Member for Prince Edward-Hastings, here's the trick: unless I get agreement, I have to time-allocate after three days of debate. If you get this book, the standing orders book, if you pick up the standing orders book, it says right in there—you want to read the standing orders book—that if you can't get agreement, you have three days of debate before you can time-allocate a bill. And you know who just railed on at us for time-allocating another bill?

Mr Parsons: But you do it for every bill.

Hon Mr Stockwell: Yes, we do it for every bill. We don't have a choice.

Mr Parsons: You do.

Hon Mr Stockwell: OK, last time—

Interjections.

Hon Mr Stockwell: No, I have five minutes. Maybe I can get it across. Slow down a bit. He was in the education field. I know you're going to get this. Don't you get it? I have to have three days of debate on everything, and if I can't get you to agree not to debate this any more, I have to move a time allocation bill. There are three bills before the House right now, Ernie—148, 149 and 191—that we all agree with, but I just spent 12 days debating these bills we all agree with. We could use those 12 days debating—here's an idea—something we don't agree about.

Mr Parsons: You do it for every bill.

Interjections.

The Acting Speaker: Order.

Hon Mr Stockwell: Oh, Mr Speaker—

Mr Bartolucci: The problem is we don't trust each other.

Hon Mr Stockwell: I don't necessarily think we don't trust each other; I think it's to the point we're at now where we have our friend who just won't let anything go through. I appreciate the fact that, yes, you tend to be a little more co-operative with the Liberal Party, but then I have to sit here and listen to that all day, that somehow I've submerged this place in the sewer system by not allowing proper democratic debate, which is what I want.

I want to have good, healthy debate on bills we don't agree with.

Mr Parsons: Sometimes.

Mr Stockwell: Well, it happened once to me. Oh no, let me talk about that. We had an agreement, but I had to go back to the Attorney General. He said no. That happens. But what I did with my friend from the NDP, Mr Kormos, when we had an agreement, was that he got his end of the agreement done, and then when it was my turn to get my end of the agreement done that was to my benefit, he said, "I'm not doing that." That was it. That's an agreement in Peter Kormos's world.

So here's the difficulty, folks: why don't we all get together? Why don't we all agree that these three bills should go through? If you want to have, say, eight days on one bill, six days on another bill and nine days on another bill, we can. We can actually sit here and do something meaningful instead of being caught here at night debating a bill nobody wants to debate, making everybody stay and adjourn at 20 after 7 because we can't find anybody to sit in this place to talk about a bill everybody agrees with. Now I am frustrated.

What we are left with at the end is maybe this public plea. It's not working behind the scenes. It's not working as a group getting together. So it's a public plea to the opposition parties to chat with your House leaders and say what it is you want. If you want to go out to committee on the water bills, let's go out on committee on the water bills.

Mr Parsons: We want a new government House leader.

Hon Mr Stockwell: Apparently you do, Ernie. I understand that. You're just a witty guy. You're quick off the mark and you want to get all these things on the record. But do you know what? You don't get to pick the government House leader, and I don't get to pick the third party House leader or your House leader. So we have what we have. Right? So why can't we come together and work out an agreement? We've tried.

Anyway, the member for Welland is back, and he's working with his family over there, the Osbournes, and he's trying to determine exactly where we move forward from here.

I say to the public out there, be very careful when you hear about another time allocation motion, because as in every issue you're going to find in your life, in most instances there are two sides to every story. I think when you hear the other side of the story, you may understand that we are left with no alternative but to time allocate, because we debate bills that I would like to debate for more days for the same number of days we debate bills we all agree on.

Mr Hoy: Why don't you sit more often?

Hon Mr Stockwell: Sit more often? I say to the member for Chatham, sit more often? This House has never sat more than when the rules were changed to sit in the afternoon and evening. We have double sessional days every day. Why?

Interjections.

Hon Mr Stockwell: I'm doing my best.

We couldn't sit any more often. We've never had more sessional days in the history of this place than when we started double-ending them. Why? Because we have to spend more days debating this kind of bill. So it's an awful shame.

In the old days, they used to say it would take a long time to get stuff through the House; you're right. Some bills would spend three or four months in the House, and they'd be debated through those three or four months. And you know why that worked? Because the other bills like these would take 15 minutes. I don't mind debating a bill for three or four months that we have complete disagreement on, because at least there's an interesting debate, there's a difference of opinion and the democratic process gets served.

Why we have to debate these bills—

Interjection.

Hon Mr Stockwell: There's Caplan muttering away again, understanding as little as possible. He can't understand it; he doesn't.

Why we have to debate these bills for three days, when we all agree with it, is beyond me. So I make another public plea.

Interjection.

Hon Mr Stockwell: Caplan, you don't have to read out loud when you read. There's this old saying, that you can actually keep it in your head. Your lips are moving.

The Acting Speaker: This completes the time allocated for debate.

Interjections.

The Acting Speaker: Order. Order, government House leader.

Mr Galt has moved government notice of motion 49. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1748 to 1758.

The Acting Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Guzzo, Garry J.	Newman, Dan
Baird, John R.	Hardeman, Ernie	O'Toole, John
Barrett, Toby	Hudak, Tim	Ouellette, Jerry J.
Beaubien, Marcel	Jackson, Cameron	Runciman, Robert W.
Chudleigh, Ted	Johns, Helen	Sampson, Rob
Clark, Brad	Johnson, Bert	Stewart, R. Gary
Clement, Tony	Klees, Frank	Stockwell, Chris
DeFaria, Carl	Maves, Bart	Tascaona, Joseph N.
Dunlop, Garfield	Mazzilli, Frank	Tsubouchi, David H.
Ecker, Janet	McDonald, AL	Turnbull, David
Elliott, Brenda	Miller, Norm	Wettauer, Wayne
Flaherty, Jim	Molinari, Tina R.	Witmer, Elizabeth
Galt, Doug	Munro, Julia	Wood, Bob
Gilchrist, Steve	Murdoch, Bill	Young, David
Gill, Raminder	Mushinski, Marilyn	

The Acting Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic
Bartolucci, Rick
Bisson, Gilles
Bountrogianni, Marie
Bradley, James J.
Bryant, Michael
Caplan, David
Churley, Marilyn
Cleary, John C.
Colle, Mike
Conway, Sean G.

Curling, Alvin
Di Cocco, Caroline
Gerretsen, John
Gravelle, Michael
Hoy, Pat
Kormos, Peter
Kwinter, Monte
Lalonde, Jean-Marc
Levac, David
Marchese, Rosario
Martel, Shelley

McMeekin, Ted
Parsons, Ernie
Patten, Richard
Peters, Steve
Phillips, Gerry
Prue, Michael
Pupatello, Sandra
Ramsay, David
Ruprecht, Tony
Sergio, Mario
Smitherman, George

Cordiano, Joseph
Crozier, Bruce

McGuinty, Dalton
McLeod, Lyn

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 44; the nays are 37.

The Acting Speaker: I declare the motion carried.

It being after 6 of the clock, this House stands adjourned until 6:45 of the clock.

The House adjourned at 1801.

Evening meeting reported volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Halton	Chudleigh, Ted (PC)
Beaches-East York	Prue, Michael (ND)	Hamilton East / -Est	Agostino, Dominic (L)
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Haldimand-Norfolk-Brant	Barrett, Toby (PC)	Mississauga West / -Ouest	

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Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	McDonald, AL (PC)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
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Sault Ste Marie	Martin, Tony (ND)	Windsor-St Clair	Duncan, Dwight (L)
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Scarborough East / -Est	Gilchrist, Steve (PC)	York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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**Legislative Assembly
of Ontario**

Third Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 29 October 2002

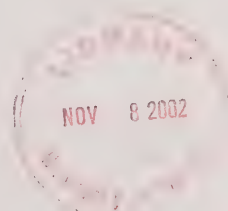
Mardi 29 octobre 2002

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Clerk
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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 29 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 29 octobre 2002

The House met at 1845.

ORDERS OF THE DAY

AGRICULTURAL EMPLOYEES PROTECTION ACT, 2002

LOI DE 2002 SUR LA PROTECTION DES EMPLOYÉS AGRICOLES

Resuming the debate adjourned on October 24, 2002, on the motion for second reading of Bill 187, An Act to protect the rights of agricultural employees / Projet de loi 187, Loi visant à protéger les droits des employés agricoles.

Mr David Ramsay (Timiskaming-Cochrane): As a farmer who still lives on a farm, it's certainly an honour and a pleasure to speak to this bill tonight. I start with talking about agriculture in general. It was the first occupation that the people who settled these parts of the world we now call Ontario embarked upon. It was necessary, obviously simultaneously, to obtain shelter and be able to produce food. Most of southern Ontario and a lot of northern Ontario provided a very fertile and productive land base, which today is one of the best agricultural producing areas in the world.

In Ontario we produce 200 different commodities, which for the size we are probably has one of the most varied scopes of agriculture anywhere in the world. We are blessed with a tremendous climate and tremendous soil. Our geographic location and access to markets are ideal. We have, maybe until as of late, some of the best research in the world, because we as governments used to fund a lot of that. We need to be putting more money into our research to keep on the cutting edge of agricultural effectiveness and efficiency.

Ontario is agriculture, and it's a big base of it. We are not only self-sufficient in the crops we produce, but we are major exporters around the world of our agricultural commodities. It's been a very important industry. It's been the base industry. In fact, if you take the whole agri-food industry in this province, it's the second-biggest employer in Ontario, after automobiles. The whole spectrum of the agri-food business is big business and very vital to a self-sufficient society. Agriculture has a special place with people but also with government.

Governments have looked upon agriculture as obviously vital to the population, that we need to be self-

sufficient, and we also need to be able to produce food at the most reasonable price we can to make sure our people are fed. So governments pay special attention to agriculture and have given it a lot of assistance because it's a very tough occupation. I can't think of any business that is as challenging as agriculture. There are so many variables out there that challenge agriculture: soil conditions, the weather, world markets. It's a very tough occupation, it's challenging and I would say that for people who are in agriculture, it's a calling. It's not something you're really going to get rich at, but it's something that somehow is in the blood. It is something that whether you were born to it or came to it, such as I, there's something very basic about producing food from scratch, literally scratching the ground and making the soil viable so that you can plant seed and produce food. It's very satisfying.

It sort of reminds me of how people used to be very self-sufficient in the old days and provided for all their means. Today most of us are quite isolated from that, but those that toil on the land know how to produce the basic foodstuffs. It's a tough business. It is probably the ultimate small business today in Ontario. It's a small business with lots of challenges, and it needs protection.

Agriculture has moved from the base of just being the family farm that historically has been made up of a family of husband and wife, with children chipping in. As farms grew larger and more affluent, they were able to hire hired hands to help. Most farmers need some sort of labour assistance, mostly on a seasonal basis, and many of those people come from overseas. The migrant workers come in, and there are a lot of them from around the world, a lot from the Caribbean countries. There are maybe about 10,000 farm workers in Ontario. About 3,000 are migrant workers, and they are protected under federal legislation. For the 7,000 or so farm workers from Ontario, they come under our jurisdiction.

1850

Historically, it has been looked upon as being the ultimate small business, that there probably wasn't a requirement for the organization that unionization brings to a workplace. I know, when I talk to large employers, that they really appreciate the democratic organization that unionization brings to that workplace. A large employer needs to be able to communicate with their workers and having a union structure is the way to do that. But it has been seen historically that for the farm of a few workers, that really wasn't necessary.

The ultimate right of unionization would be the right to strike. That of course has been seen, and still is seen

today, as not really being part of a business that deals with perishable goods and livestock. Even when, in the 1990s, the NDP government brought in an agricultural labour relations bill and allowed unionization of farms, the right to strike was forbidden at that time. A dispute resolution system was put in place. It was a mediation process, with binding arbitration if that failed.

After several attempts to organize certain farming operations in Ontario, when the Harris government first came in in 1995, they basically revoked that agricultural labour relations bill. One of the main commercial food unions, the food and commercial workers, went to the courts to challenge the Mike Harris bill that got rid of the right of farm workers to unionize. What we have before us today in this bill, Bill 187, is this government's response to the Supreme Court decision that basically said that while there is no right in our Constitution to organize and collectively bargain, there certainly is a right to associate. The Supreme Court said that this legislation was contrary to our constitutional rights to associate through the Charter of Rights and Freedoms.

This bill takes one step back to the right all Canadians have of being able to associate. This bill, in its one step, and only one step, allows farm workers to associate, discuss and meet about work conditions and wages, and to have only discussions with their employers. At the same time, it protects the employees from any sort of intimidation from their employers, but it doesn't give them the right to unionize or collectively bargain.

For the majority of farm operations out there, this bill would suffice; it would be suitable. For most of the farm operations out there—I would say about 95% of them; maybe a higher percentage—are basically mom-and-pop family farms that maybe have a couple of workers, maybe a couple of full-time seasonal and maybe some other, temporary workers. This bill probably addresses the majority of situations in agriculture today and certainly would have addressed agriculture 30 or 40 years ago.

Agriculture today is vastly different than it was in the mid-last century. Now we have large agribusinesses that are very large employers, so we really have two classes of operations. The ones I know most about, which are mostly in my area of northeastern Ontario and in most of this province, are the family farms. They are basically family businesses, with the help of a few workers. This bill probably addresses that situation sufficiently.

But we also have today, because of international markets and expanding agribusiness operations, very large agricultural employers, many of which employ 50 to 200 people in vast operations, whether they be the incredibly growing greenhouse industry of southwestern Ontario, the Chatham-Kent and Essex area, where there are high heat units in southwestern Ontario, one of the most ideal places to have a greenhouse industry—that greenhouse industry has just literally, to maybe mix a metaphor, mushroomed, which is the very opposite type of operation, which is in the dark and underground. But these operations have basically absolutely expanded to an

incredible extent, making Ontario a highly competitive agricultural entity. We're keeping up not only with vegetable and fruit production under glass, but also the flower trade. We are big producers of fruit, vegetables and flowers in southwestern Ontario, ideally suited to the markets of Toronto and Montreal but also the United States.

There are also other operations, such as mushroom farms, that are basically 24-hour-a-day operations, where workers work in very difficult and tough situations. What I think is required there is an opportunity for those workers who are finding themselves the employees of big employers to be allowed to have the next step. That really needs to be considered.

In consultations on our side, we have talked to the Ontario Federation of Agriculture and we have told them of our view about that. In fact, our leader, Dalton McGuinty, talked to my friend and neighbour Jack Wilkinson, who is the president of the Ontario Federation of Agriculture and used to be your neighbour, I suppose, down your way years ago, and told him what we would do if we became the government after the next election, that we felt the workers for the large agricultural employers who have in the range of 50 to 200 employees need to have the opportunity to collectively bargain and to organize.

I would say that because we have to look at the rights of workers. Historically we have protected farming and agriculture, and as a farmer and ex-Minister of Agriculture, I certainly support that. The reason we have done that is because of the nature of the operations and that agriculture didn't have those vast numbers of employees working at one particular entity, and that sort of organization or protection wasn't required. But now agriculture is moving, literally, into the 21st century with vast operations, many of them agriculturally associated. There may be canning operations, freezer-packer operations. Some of those are running on two or three shifts a day during the season. They have a multitude of employees, and basically they're working in factories. Yes, because it's a primary food source, a perishable food source that has to be processed, we have given in government that sort of protection against the right to strike against work. That right of striking has to be forbidden in this particular industry, but I think formulas could be arranged that allow for mediation and binding arbitration, if necessary, for those large employers.

There's another area where agricultural workers have not had the protection of government. Quite frankly, I find it very hard to believe, but agricultural workers are exempt from all of Ontario's occupational health and safety legislation. We have very good legislation that protects the working women and men in this province from all the hazards in the workplace. We do our very best in legislation—we can always do better, and we keep looking at it to make it better—to protect our men and women who go to work every day to make sure they can come home to their families at the end of that working day.

I suppose for the reason that we put agriculture in a special place and we want to give it special protection and we want to protect that sector of the economy, we have basically sacrificed the workers in that industry to say that they should be exempt from this legislation. I think that's something all of us in this House really have to re-examine. I think it's time that we looked at our agricultural workers and said to them that they deserve the same rights as any other worker in society. Why should agricultural workers be exempt from occupational health and safety legislation? If we deem that every other worker in the province should have that protection, then why not our agricultural workers?

We have to do this with a sensitivity that understands the nature of agricultural production. We know that it's a different type of workplace. We're dealing with live animals, and we know that we have to make sure we treat those animals with respect and dignity and make sure no cruelty is done to them.

We are also dealing with perishable goods, and we have to make sure those gifts we are producing that are going to feed our province have to be protected also, because we should never waste food. Therefore that food should be protected. We have to bring that in balance, and while we protect the perishable goods and we protect the livestock, we also have to make sure—

Mr Bill Murdoch (Bruce-Grey-Owen Sound): He's coming home. I think they're getting a seat ready for you up there, David.

The Acting Speaker (Mr Michael A. Brown): Order. Would the member for Bruce-Grey-Owen Sound come to order? Thank you.

Mr Ramsay: I appreciate the comments of the member from Bruce-Grey, but I think it's important that we bring balance to our legislation that there are competing rights in society. We have to make sure that our farmers are protected. We have to make sure that our agricultural sector is protected. On the other hand, that doesn't mean that we sacrifice the rights of workers to do that. There needs to be balance. We can do that with sensitivity. Looking at that and the common sense way of doing that would be to look at those large workplaces. Not the size of the farm, not the revenue of the farm; what we're talking about are employees here. If you have an operation that has 50 or 200 or 300 people, well, then that's a workplace that should have the rights of unionization, like any other workplace. When you're talking about a mom-and-pop operation with a few people, maybe just seasonal, then I think this legislation hits the mark for that.

I'm saying we'll support this legislation, that this is a first step. But if I get the opportunity, after the next go-round, I think we need, in consultation with labour and with the agricultural groups, to look at our next move.

I would move adjournment of the debate at this time.

The Acting Speaker: Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion the nays have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 1902 to 1932.

The Acting Speaker: All those in favour will please stand and remain standing.

All those opposed will please stand and remain standing.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 14; the nays are 23.

The Acting Speaker: I declare the motion lost.

Further debate?

Mr James J. Bradley (St Catharines): Thank you very much for the opportunity to speak on this legislation. As the member for Timiskaming was discussing this matter in some considerable detail, he was pointing out—

Interjections.

The Acting Speaker: Stop the clock. We really need it to be quiet while the member for St Catharines makes his presentation.

Mr Bradley: I think one thing all members in the House would agree on is the following: we would want to ensure that the working conditions on farms across this province are such that those who are doing the work are not placed in jeopardy or that their safety is not compromised. Some members of the Legislature—my friend for Niagara Centre has described in some detail and colourfully, but also accurately, circumstances that face some farm workers who have less than what you would call glorious jobs to perform. He has also described, as have others, including my friend Mr Ramsay, circumstances where you have some very large operations which would not be defined as family farms. More and more we see a movement, unfortunately in my view but nevertheless it is happening, toward what we would call industrial operations or industrial farms, with a large number of workers and with conditions that are not acceptable to most fair-minded people in Ontario. It seems to me, as my colleague Mr Ramsay has suggested, that somewhere along the line in the next step we must address those circumstances that confront people who are not in the mom-and-pop type of farming operation but are in the larger operations which in essence are industries.

I express my concern about that. I've listened with a good deal of interest about some of the problems confronting our farm workers. I reside in the Niagara Peninsula, where a number of the people who are working on farms, certainly not all, are in fact offshore workers. Years ago that wasn't necessarily the case. In many cases it was students who were doing the work and others who were new to the country, sometimes, but not offshore workers brought in for the purpose of dealing with the farm operations. It seems to me that what the Minister of Agriculture and Food and the Minister of Labour would want to see happen is a reduction in the number of accidents that happen on farms, for instance, and that the working conditions are acceptable to the people of Ontario. What you find, largely, on the mom-

and-pop types of farms, the family farms, is that those who work with them are very often almost members of the family. They're people who are accepted, and accepting of the chores that are necessary to keep the farm in operation. The relationship between the workers in that situation and the families themselves is often a very good one. Where the problem arises is where we get away from the family farm, even the larger family farm, and into operations which clearly are of an industrial nature. That has to be addressed with further legislation.

It is important as well that we ensure the viability of farms. One of the things I've wanted to see in our province over the years is the retention of agricultural land for agricultural purposes. Members of this House will know that on two separate occasions I have brought resolutions before the House, passed on both occasions, dealing with the issue of the preservation of agricultural land. The first was asking the provincial government in a general way to take any and all action necessary to preserve the quantity and quality of agricultural land that exists in the province today. As we've pointed out, if you look at the country of Canada as a whole, the amount of arable land, the amount of land that is contained within climatic conditions conducive to the growing of crops, is relatively small compared to the large size of the country. It seems to me that the prime agricultural land that is available to us should not be disappearing the way it is today to development.

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If farmers could be guaranteed that they are going to be given a fair shake, they might well be prepared to buy into the efforts to preserve agricultural land. Those of you who know the Niagara Peninsula would know the area that I am talking about. I have had unanimously passed in this Legislature, at least by a voice vote, a resolution which called for the establishment of an agricultural preserve in the Niagara region. I was pleased to note the support of two cabinet ministers from the Niagara region in that regard, as well as the overwhelming majority of members of this House.

To be fair to the farmers, of course, you have to ensure, if you are going to establish an agricultural preserve, that they are going to be able to make a decent living from that land. That's always extremely important. For instance, if we look at the issue of grape land, the vineyards in the province, there are some within the wine industry who would like to see the establishment not necessarily of an agricultural preserve but of a vineyard preserve similar to that in the Napa Valley. I think the Napa Valley is a good example in many ways. But at the same time, some of those individuals are not prepared to guarantee that they are going to purchase the grapes that are grown within that agricultural preserve. It seems to me that there is a compelling case to be made by the grape growers in our part of the province and other parts of the province that if their land is to be kept in agricultural production for the purposes of growing grapes, they should be guaranteed that there is going to be a market for those grapes and that they are going to

get a decent price for them. That would certainly allow farmers to have the kind of inflow of funds and profits which would be helpful in having them compensate those who work on the farms in a way that we would all consider to be appropriate.

I believe as well that we have a couple of choices in the province. We as Canadians and—let's be more definite and parochial—we as Ontarians have a choice of either paying the price that is deserved at the farm gate for the products produced on our farms, whether it's grown crops or whether it is other agricultural production that takes place, including cattle farming and so on—either we are prepared to pay the appropriate price so the farmer has a viable operation or, conversely, we're prepared to support government programs which are of assistance to farmers. So far, my observation has been, as I think it is for many, particularly in the agricultural community, that consumers have not been prepared to pay the kind of prices that the farmers believe are fair and that would provide a reasonable return on their investment. That is why I am supportive when the federal and provincial governments provide programs to assist farmers who face a lot of unknowns that people in other businesses don't face. They are particularly susceptible to changes in weather and in climate.

That gets me, of course, to another subject. Farmers would be among those individuals who would be very much in favour of the Kyoto accord and the protection that it would afford to their crops.

Interjections.

Mr Bradley: As well, they know that they would benefit from the alternative fuels that can be produced by agricultural production.

I want to hear the "No, they're not" now, because I know I won't hear the "No, they're not." I have heard from those farmers who will say to me, "We look forward to contributing to the production of alternative fuels through ethanol and through biodiesel products which will help the environment and which will be much more benign environmentally in terms of the burning of fuels to allow our vehicles to travel around the province." Many of those farmers have been very helpful there. But they're looking for the kind of justifiable assistance that is necessary to keep them in a viable operation.

I have watched for a number of years as there has been a paving of agricultural land in the Niagara Peninsula. There are some municipal politicians who will not be satisfied until they've paved every last square centimetre from the edge of Metropolitan Toronto, as we used to call it, to Fort Erie, from the Niagara River to Lake Ontario to Lake Erie. When they've paved it all, they will have reached paradise. That's how far-thinking some of those individuals are. They say, "Unless we can grow every year, we cannot be a viable community." And I ask the question, "So when you've paved every last inch of land"—just as I say to those who like cutting the trees, "When you've cut all the trees, then what do you do? You come to government and say, 'Well, we have to do something else now.'" In terms of the agricultural land, if

they paved it all, what do they do, put it up on stilts next and keep paving? Do they go out into the lake? That's the silliness of the argument that they make.

I know there are many members of this House who want to assist farmers in carrying out their operations and want to preserve agricultural land, which is why they do not want to permit what I call death by a thousand cuts; that is, the so-called economic severance which many of them look for. Because some of us who represent communities that have some agricultural land in them realize that there are folks who move out from the urban part of a city to the rural part of a municipality, and then they want to complain about the noise, the odours, the dust. They're the ones who moved from the downtown part or the built-up part of the city out to the countryside, and then they want to dictate to farmers what kind of agricultural operations they have.

So I think it's important that we plan carefully, that Smart Growth really means smart growth and is not simply a terminology used as an interim until we have paved all this land.

I'm not in airplanes very much, but for people who are, and once in a while when I am, it's actually appalling to leave the Toronto airport, for instance, Pearson International Airport, Pearson airport, and look over the land that's just being gobbled up for development purposes. The developers are happy. They're making money hand over fist. What it encourages is the kind of urban sprawl that brings about problems in terms of the utilization of individual vehicles, because oftentimes governments will say it's not practical to have public transportation out into those areas. So I am concerned.

I was pleased to see the support that I received in the House, speaking-wise, from many of the members for preserving agricultural land in this province and, at the same time, preserving those farmers who are on the land.

There are some people who will tell you—you could have the most lush land available and the best climatic conditions, and they'll say, "Oh, you can't grow anything on that." I can think of one person who always makes a representation to city council in St Catharines who says that. No matter what the land is, it's no good for growing. Yet you look out there and we have grapes growing, apricots, apples, peaches, pears, cherries. That's in terms of the tender fruit.

Mr Richard Patten (Ottawa Centre): Grapes.

Mr Bradley: Of course the grapes in great abundance, strawberries in the spring, raspberries. We have all kinds of products available, in terms of fresh fruits as well as vegetables, in our part of the province; and some growing of game, for instance, cattle and other animals. So we have a major agricultural area there that I want to see preserved.

How can we do it? We can do it through, as the Minister of the Environment would know—and he would be in agreement with this—using appropriate planning mechanisms to ensure that we don't gobble up all of this agricultural land. I know he would agree with those kinds of appropriate planning mechanisms.

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He would also not want to see the paving and developing of the Niagara Escarpment in our area. I wish his ministry still had control of the Niagara Escarpment. It's now given over to the Ministry of Natural Resources. I always thought that, at least in theory, the Ministry of the Environment would be more inclined to protect those lands that are part of the escarpment. What is frightening, of course, is that the member for Bruce-Grey-Owen Sound is the parliamentary assistant to the Minister of the Environment. I know the member for Bruce-Grey-Owen Sound is not a fan of the Niagara Escarpment Commission, to say the least. So it would be my hope that on some issues the Minister of the Environment might listen to the member for Bruce-Grey-Owen Sound but that on other issues he would listen to his seatmate, the Honourable Norm Sterling, who was responsible for the establishment of the Niagara Escarpment plan and believes strongly in appointing people to the Niagara Escarpment Commission who actually want to preserve the land within the mandate of the commission, rather than pave it.

Interjection.

Mr Bradley: I'm being interrupted again. The last time I got interrupted significantly by the Minister of the Environment, the Speaker was giving out penalties. For a relatively benign interjection, I had to depart from the Legislature, which I must say was a headline story in my local newspaper. Many of course think it's nice to be feisty, but I kind of regretted, after 25 years without ever having to leave the Legislature out of something other than my volition, even if it was only for the afternoon, that I was asked to. I know the Speaker was very reluctant to do so and, simply as the referee in a game where a penalty has been called on the home team, had to call a penalty on the opposition to even it up. I know that his mother forgives him for that. I know that Mrs Carr, if she's watching this evening, has now, I think, with my benevolence toward the Speaker, forgiven the Speaker for a decision which not everyone in the House might have agreed with on that particular occasion.

Mr Bert Johnson (Perth-Middlesex): Everybody does.

Mr Bradley: The Deputy Speaker may have had a different take on it on that occasion.

Anyway, looking at this bill that we have before us, I think one of the things that we have to do as a province, through the Ministry of Agriculture and Food—and the Minister of Environment is the former Minister of Labour—is do everything possible to ensure safety in the farm setting. Farm settings are often exempted. The former Minister of Labour would know that the incidence of accidents on farms, as it is in other areas, is too great. Some of the accidents are fatal, and some of the accidents cause lifelong impairment for the person. That is most unfortunate. But what I do think has to happen—and this bill obviously is going to pass—is that when we look at the industrial operations involved with farming, we have to ensure that those individuals are in a position for

collective bargaining and unionization, where there are the large, non-family operations, and that as much assistance as possible should be provided to other farm workers in the small operations, which are the mom-and-pop or the family operations in this province. I hope that we will see, subsequent to this legislation or perhaps as an amendment to this legislation, an opportunity to deal with those industrial operations.

The Minister of the Environment, who is here this evening, just so his family is aware that he is not at a hockey game or something—

Mr Rick Bartolucci (Sudbury): Or at the Albany Club.

Mr Bradley: —or at the Albany Club, as the member for Sudbury says—will take that into account as a former Minister of Labour and presently as the Minister of the Environment, because I know he deals with the issue of the application of pesticides. He would be diligent in wanting to ensure that those who are the applicators of the pesticides are indeed protected in a health and safety manner. I do hope that we see that additional step forthcoming, and I hope we do everything we can to maintain the viability of family farms in this province.

The Acting Speaker: Questions or comments?

Mr Michael Prue (Beaches-East York): It is always entertaining to hear the member from St Catharines. I especially was interested in his remembrance of the other day when Mr Speaker had him unceremoniously removed from this chamber. I understand it was the very first time.

Mr Peter Kormos (Niagara Centre): Uncharacteristic.

Mr Prue: Yes, it was very uncharacteristic. I hope Mrs Carr forgives her son; I hope she does. And I would hope the Premier is equally forgiving of Mr Carr after what came out here today. I'm sure he is in great need of forgiveness, and perhaps all members of the House should forgive him.

The member is always very interesting to listen to. He made a number of points. In the time allotted to me—I only have a little—I'm just going to pick one, and that is the whole issue of farm safety.

The argument has been made by two out of the three parts of this House that farm workers really don't need to be protected in quite the same way as unionized workers. Quite frankly, that is a wrong thing to say, because in the eight years for which we have statistics, the last eight years, 1,049 people have died on farms in this country. It is a very dangerous occupation. That is more people than have died in all of the auto plants. That is more people than have died in all of the manufacturing plants. That is more people than have died in all of the industries in Canada. This is the most dangerous one, and it is the one for which farm workers need the most protection. It is the one for which they need unions and collective bargaining to protect themselves.

Mr Johnson: It's a privilege to be able to get up and add my comments tonight. A little later on I hope to take more time. I did want to just make a comment or two

about the member for St Catharines, because I didn't hear anything about Bill 187 and the farm workers' right to associate. I listened intently until the end and I didn't hear a thing about 187. Quite frankly, I understand it. For the Liberals it's a particularly squirming type of situation that they find themselves in.

Mr Marchese: It's a slithering issue, isn't it?

Mr Johnson: It would seem so—those kinds of visions. The people will want to understand why that is so. Of course, the reason is that when our government thought that the former NDP legislation should not be enforced, the Liberals opposed that. So when we brought in Bill 187 they were caught a little flat-footed, because they couldn't, they thought, be seen supporting it, nor could they be caught not supporting it. So they sat on their duffs and didn't vote either for or against it at first reading. So I can actually understand why the member from St Catharines—besides wanting to make the Niagara Peninsula into a land reserve and do all those other things that would grossly manipulate farm practices Ontario—didn't want to touch on Bill 187.

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Mr Patten: It is a pleasure for me to stand here and challenge the member for Perth-Middlesex across the way, who said that the member from St Catharines did not address Bill 187. Right at the outset he said there is a simple principle here, and the principle is that all workers, no matter who they are and where they come from, should all be in a safe environment, should all be remunerated adequately and should all be protected from abuse.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): He didn't say anything like that.

Mr Patten: Those are my words. I'm paraphrasing what he said, but I believe that's essentially the principle of what he said when he began to speak this evening. He's a man of principle. That is what should drive this particular issue.

The member for St Catharines has also, I might say—and I'm sure most members of the House would acknowledge this—been around for a fair amount of time and, because of that, has developed a certain nimbleness in his ability to draw what may appear to be obtuse relationships to the main issue, which in fact are not. Later on, he weaves these issues back into his argument.

For example, he mentioned that he was thrown out of the House for the first time. I think he felt like an abused worker. I think this is what he was trying to say in his own manner. He forgave the Speaker for that, and I'm sure he knows that his mother probably forgave the Speaker at the same time. That was very important.

He went on to talk about the rich heritage of his area, the St Catharines-Niagara area, in terms of what it produces and his worry about—

The Acting Speaker: The member's time has expired.

Ms Shelley Martel (Nickel Belt): I listened to the remarks made by the member for St Catharines. I've got to tell you, I was disappointed that he didn't say anything

about the chicken catchers from his part of the world. My colleague from Niagara Centre last week spent a great deal of time during his remarks talking about the appalling conditions that chicken catchers from that part of Niagara have to deal with, folks who are working piecemeal, working through the night under appalling conditions, who can't even get a bottle of water from the contractor they're working for, folks who are getting shafted, folks who desperately need a right to organize a trade union in order to have their health and safety protected, to get decent wages and to get water from the employer. I thought the member for St Catharines was going to talk about why we should be debating a bill tonight that allows agricultural workers to be unionized, because that's the only way, through collective bargaining, that they're going to get some decent wages and some decent health and safety.

Workers don't need the right to associate. Goodness, they have that under the Charter of Rights and Freedoms. This government isn't giving them any new rights through the bill we're dealing with. The Liberals should recognize that. The Liberals should be voting against the government bill because it doesn't do a single thing to help agricultural workers.

I hope the member for St Catharines reconsiders and decides he's going to fight for his chicken catchers tonight and that he's going to vote against this government bill and vote for a bill that would allow agricultural workers to unionize in Ontario.

The Acting Speaker: Response?

Mr Bradley: One thing I want to reconsider, if I could, would be that contract with Manitoba Hydro for 4 cents per kilowatt hour that was cancelled by the NDP government that would have been benign, clean electricity coming into the province of Ontario.

Interjection.

Mr Bradley: It was a great deal at the time, as the member for Burlington points out. I'm sorry that got cancelled: I know the member, if she could, would want to reconsider that.

I want to thank all of my colleagues for their interventions this evening. I did make reference to the earlier speech by the member for Niagara Centre where he discussed the appalling conditions that exist. I think in those circumstances what should happen is that an investigation by the Ministry of Labour into this practice should be initiated.

Interjection.

Mr Bradley: In fairness, the conditions the member for Niagara Centre has described don't sound like conditions that would fit within any fair law I would think of in the province of Ontario. I think that is deserving of investigation by the Ministry of Labour and the Ministry of Agriculture and Food. I did mention earlier that in the larger industrial operations, there is justification for unionization and for collective bargaining.

One thing I was glad the member for Beaches-East York brought up was the whole issue of the cost of hydro. As you would know, not only are consumers

phoning me, not only are business people phoning me, but members of the farming community are being impacted immensely by the huge increases in the price of electric power in this province, increases attributable to the policies of this government.

The Acting Speaker: Further debate? Just to help the member for Trinity-Spadina, we are now in 10-minute speeches.

Mr Rosario Marchese (Trinity-Spadina): Ten minutes?

Interjection.

Mr Marchese: No, I need the whole 10 minutes. There is so much to say.

I've got to tell you before I begin on Bill 187, it's not for me to speak about the Liberal position. It's not my job. It's the job of the Liberals to explain theirs and the job of the electorate to decide who carries what position on what issues. That's the point, isn't it?

I want to begin by talking about the title. The title of Bill 187 says agricultural worker protection act. Let me be clear, because Mr Runciman is here. Does that sound the like the Victims' Bill of Rights to you? To remind Monsieur Stockwell and others who are in this room, did that bill confer any rights on victims? It didn't. Judge Day told us, and told them, that there were no rights. But if you listen to the title of the bill, member for Nipissing, Victims' Bill of Rights, you would likely think, "Gee, there are plenty of rights in that bill and victims will be protected. They'll have rights. They'll be able to go to the courts. They'll be able to do all sorts of things, because the bill says so."

Under this bill, the agricultural workers protection act, it says that workers will be protected, like the Victims' Bill of Rights. Judge Day told Chris Stockwell, the Minister of the Environment, and Mr Runciman, whose title no one can remember, that victims have no rights.

Do you remember the Tenant Protection Act, Jim? You remember that one, eh? When you say Tenant Protection Act, Chris Stockwell and others clap. What they're clapping for is the opposite of what the bill gives you. The only rights are the ones contained in the title, nothing more, because in its substance there are no rights. The people watching this particular political channel know, because they've seen the debates, they've heard the debates. They listen to Tories and they listen to New Democrats on this side as we demystify the bills, exfoliate those terrible onions they put out, and the public is able to see, "Ah, now I understand." Because you peel the layers and then you say, "OK, now we get to the bottom of it." That's the point of exfoliating the onion, right?

The Tenant Protection Act gave no rights to tenants. In fact, vacancy decontrol says that as soon as you leave an apartment, the owner of that apartment building is able to jack up the rents as much as he can—and they do. In the city of Toronto and beyond, rents are so unreachably high, so obscenely high that most of the 3.3 million tenants have very little protection from the so-called Tenant Protection Act. All they're getting is whacked by this

government. They smile and proudly say, "The Tenant Protection Act: isn't that great?" And they're doing the same thing with this particular bill, the agricultural worker protection act.

Speaker, I'm drawing parallels for your benefit and that of the public watching so they can see the links, because there is a master plan at work. It isn't just a bill that pops out with no connection to any previous bill. There's a connection. You guys know what you're doing. That's why I often say that you're good—you're bad, but you're good at what you're doing. And bad is an understatement.

Look what this bill does: it says you can form an association. What it means is that it's a café kind of club. You go to the coffee shop and chat a little bit, have a little coffee, sip and chat and talk. That's what we mean by an association. It's powerless. You go nowhere except for a coffee somewhere.

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Ms Martel: They don't need a bill.

Mr Marchese: As my colleague said, you can do it now. So what more rights are they getting than what they already have? Freedom to associate? We can all associate. And now you've got it in law, the freedom to associate.

Mr Kormos: That's big of them.

Mr Marchese: That's big. Let's follow this through a little bit. The next one says, "make representations to their employers" through their association. So you go pleadingly, because you don't go there with rights, knowing full well you're backed by law. You go there pleading to Mr Stockwell and say, "Please, Stockwell, can I have some bread? Can you change the working conditions? Can you increase my minimum wage? I know how you feel, but please don't hurt me. I know what your position is on minimum wage, but do you think maybe 5 cents more would be OK?" "Make representations to their employers" through their association—a lot of power, substance, big stuff for the workers. Man, are they going to be protected by this law.

What else does it say here? You can use a delegate to make those representations. So you can go to Stockwell's friend or Runciman's friend and say, "Please, can you go and talk to them? You know Chris. If you know him, maybe we can squeeze a couple of cents more from him, change the working conditions. But don't be harsh, don't be hard. You've got to go gentle, because if they don't like what you say, it's going to be bad."

Hon Robert W. Runciman (Minister of Public Safety and Security): Let's talk about the Liberal position on this.

Mr Marchese: The Liberals stand with you. It's not my job to play that role, where you sit on the fence so superbly well on both sides of it. It's a tough one. I can't do it.

Hon Mr Stockwell: And it discolours the fence too.

Mr Marchese: It does more than discolour the fence.

Mrs Marie Bountrogianni (Hamilton Mountain): It's so nice to see you guys getting along.

Mr Marchese: Yeah, this is man's talk. It's not good. Move on, please.

Ms Martel: What does the employer have to do?

Mr Marchese: Well, let's just see here. "The employer shall listen to"—by law, we're going to have the employer listen. That's big. This is power. We're talking about a bill called the agricultural workers protection act. This is power we're giving to the worker. It says, "The employer shall listen to ... or read" representations. The employer can read the representation himself. We're giving the employer power to read representations, and we're giving the worker power to have the employer listen to the representation. They're good, right? These guys are really, really good.

I've got two minutes left. Man, does time fly.

They have the right not to be treated in an arbitrary or discriminatory manner by their bosses because of their association or their representation. So you understand, the only power, the only appeal process, the only thing you can deal with is the arbitrary or discriminatory language only as it relates to their belonging to an association. It doesn't talk about the conditions, wages, health and safety conditions. It doesn't deal with that. It only deals with issues connected to association.

Have I told you enough, Speaker? In the brief time I've had, is that clear? It think it's clear, more or less. We had a bill in 1994 that gave the workers the protection they needed. We understood that striking in farm areas is a difficult one. To strike would be a problem. We understood that, and in our bill in 1994 we recognized that. Why couldn't this government just take that bill again—even though we know their insolence in having to abolish it because they're so beholden to agribusiness. We understand. But after having understood, after years in power, they could have taken that bill and said, "Ah, we can do it." For God's sake, give them some modicum of power. It takes us nowhere. It takes us, Speaker, to a desire for me to move adjournment of this debate.

The Acting Speaker: Mr Marchese has moved adjournment of the debate. Is it the pleasure of the House that the motion carry?

Hon Mr Stockwell: A point of order, Mr Speaker.

The Acting Speaker: You're out of order.

Hon Mr Stockwell: I have a point of order regardless.
Interjections.

Hon Mr Stockwell: Oh, OK. Thank you.

The Acting Speaker: Mr Marchese has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion the nays have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 2015 to 2045.

The Acting Speaker: All those in favour will please stand and remain standing.

All those opposed will please stand and remain standing.

Clerk of the House: The ayes are 12; the nays are 24.

The Acting Speaker: I declare the motion lost. The member for Trinity-Spadina.

Mr Marchese: It's my last 15 seconds.

Workers have no rights, just like in the Victims' Bill of Rights where the victims had no rights, just like in the Tenant Protection Act where the tenants had no rights. In this act, the so-called agricultural workers protection act, the workers don't have any rights. We're talking about workers earning minimum wage—minimum wage—and those who come from outside of these parts get minimum wage and have to pay for their room and board. We're talking about people who have no protection whatsoever, poor working people with no one to help them. We have a government that passes a bill that purports to help them and does nothing of the sort—a shameless act presented, disguised, as one that gives rights and has no rights whatsoever for those poor workers.

The Acting Speaker: Questions or comments?

Mr John O'Toole (Durham): On this particular bill—you always have to bring it back to the riding, to the people I represent in Durham. I honestly believe, when I think of the Ocala Orchards or Archibald Orchards and the number of people that they have, seasonally, I might add, to harvest the crops for the food I eat—it almost brings tears to my eyes. To think that they can be shut down by some inordinate group of people—I think of Sid Ryan and people like that who would shut it down at the most opportune time.

At least I understand where the members of the NDP are coming from. The Liberals are waffling once again. Look, there are five Liberals here and almost the entire NDP caucus. The real opposition here is the NDP, and I understand that. They stand for Sid Ryan. They stand for the Ontario Federation of Labour. Howard has been the strongest voice in this House in terms of opposition. Dalton's not even here tonight for this important debate.

But this is about the safety of food, the quality of food. This is about fresh, quality food in the province of Ontario. There are those who want to stop this—

Interjection.

Mr O'Toole: I'm disappointed by the opposition here tonight.

This bill, of course, makes sure that we have an ongoing commitment to food quality and food safety and also allows members of organizations to have an opportunity where farm workers can associate. This is part of this bill. It allows them to associate. It's the ability to stop the production and the seasonal operations of farming operations in this province.

So I am standing in support of my constituents, the agricultural community in my riding. I don't want to see strikes on family farms.

2050

Mr Bradley: The concern that the member for Trinity-Spadina has for those involved in agricultural production was evident from the speech he delivered to the Legislature this evening. He described some circumstances, particularly as you get into the larger operations, that are of concern, probably to people on all sides.

There was a time when all we had in the province, essentially, were family farms, what we refer to as the mom-and-pop operations. Now we have—and the Minister of the Environment, of all people, should know, and the Minister of Agriculture would know—a number of operations which are in essence industrial operations. In some cases very intensive farming is taking place; a large number of people are employed. Special circumstances confront those who are in those particular occupations, and they are deserving of the kind of protection that others in an industrial setting would enjoy.

In addition, I have to say, as I did before, that the member for Niagara Centre brought a very compelling case to the Minister of Labour, here this evening—you're the former Minister of Labour sitting across from me—about the conditions facing those who deal with the chickens, who have to catch the chickens, and the very difficult times they have.

I'm pleased that the member for Trinity-Spadina has addressed all the issues that he felt were compelling to members of this House, and I want to commend him on his address this evening.

Mr Howard Hampton (Kenora-Rainy River): I want to congratulate the member for Trinity-Spadina for outlining very clearly for the public of Ontario just how bad this legislation is, that this legislation makes it impossible for workers who work in the agricultural industry to come together, to form a union to, for example, take positions with respect to worker health and safety. It deprives those workers of coming together and forming an association and collective-bargaining around issues like health and safety and improving health and safety standards in the workplace. It prevents those workers from coming together and bargaining for a fair wage. It prevents those workers from coming together and forming an association and going to the table and bargaining over working conditions.

We've seen resolutions from the Conservative members of the House here dealing with their working conditions. They want a 25% increase in pay. They have no trouble passing legislation, coming together, forming an association and putting forward legislation to give themselves a 25% increase in pay. But to some worker out there who's working in unsafe working conditions, who's working very long hours, who doesn't have the benefit of Conservative cabinet minister expense accounts, some poor worker who wants to form an association, a union, for the purpose of collective bargaining, to have a say in their health and safety, to have a say in their working conditions, to bargain for fair wages, what do the Conservatives say? "No. We're not going to permit—"

Interjections.

The Acting Speaker: The government House leader will come to order.

Interjections.

The Acting Speaker: Come to order. I am warning the government House leader.

The member for Niagara Falls.

Mr Bart Maves (Niagara Falls): It's very interesting to sit back and listen to some of the hypocrisy from the members opposite. Oh, I withdraw, Speaker. I'd pick another word, but I can't think of it right now: the mendacity of the members opposite.

Earlier this evening we discussed a time allocation motion. As the House leader for the government pointed out—I started off and he finished off so eloquently—we had a bill before the House that was one page, the red light camera bill. The members opposite wanted to debate it for four days, even though they agreed with the bill. Finally, the House leader had no choice but to move time allocation. The members opposite cried and went on about the anti-democratic House leader moving time allocation. They said, "We want to debate bills." Well, you supported the bill. It didn't make much sense.

The House leader was correct. He said, "We want to save time. Instead of debating for four days and having time allocation motions on a bill that everybody agrees with, let's save the time to debate something we disagree on." Well, here tonight we have such a bill: a bill to stop the unionization of the family farms. The NDP's opposed to the bill, the government's in favour of the bill and the Liberals are all over the map. Here's the bill where the House leader was right. There are differences of opinion. He wants to debate this bill. What do the Liberals and NDP do twice already tonight? Move adjournment of the debate. They don't want to debate it.

Thirty-minute bells rang so we could waste 30 minutes of debate time. That was by the Liberals. We came back. We voted, "Let's keep on debating. We love debate. We love democracy." The NDP comes in and they move adjournment of debate—another wasted 30-minute bell. We came in here. We brought in our people from all over Toronto, where they were out busy working. They came and they voted and said, "We want more debate. We are the champions of democracy." What the heck is the matter with you guys?

The Acting Speaker: Response?

Mr Marchese: I just thank my friends—and foes, of course. I just want to make reference to the member for Durham, because he talked about how this is a bill about safety and food and the quality of food. Why didn't he call this bill the agricultural safety protection act or the agricultural quality of food protection act? That's not what it's about.

It was sad to see him say what he thinks of the farmers. He wants to start crying. What pitiful stuff. Why doesn't he talk about the poor farm workers as well, who toil in those farms day in and day out for minimum wage?

Interjection: Or less.

Mr Marchese: Or less, because the migrant workers who are here get the minimum wage but they've got to pay room and board. Why doesn't he cry for those workers? It's pitiful what you hear in this place.

This other guy, from Niagara Falls, talks about how this bill is about stopping the unionization of farm workers. Why doesn't he call this bill what it is, the anti-

union bill? Why doesn't he say, "This is the agricultural stop-the-unionization-of-farm-workers act? Why doesn't he say it straight out, instead of calling it the agricultural worker protection act? The hypocrisy, I tell you. All right, I take it back; I withdraw.

We're talking about farm workers, minimum-wage workers. These are the people who are scraping by. We're talking about a bill that gives no protection or rights to these workers. We're not talking about appellants or applicants. We're talking about farm workers who come as supplicants to these people, pleading for rights: minimum wages and fair working conditions. They come pleading, because that's what this bill is all about: pleading for crumbs. That's not what workers want.

Call it what this bill is. It's an anti-unionization farm workers act. Say that.

The Acting Speaker: Further debate?

Mrs Julia Munro (York North): I want to set the record straight. There are some things that need to be clarified when we look at this piece of legislation.

First of all, it is a balanced piece of legislation. It represents a significant advance in facilitating employee-employer relationships. All of us who come from communities where agriculture forms a very important part of our economy recognize how important it is to our quality of life and the importance of making sure we continue this balance.

At issue is the freedom of association, as guaranteed in the Charter of Rights and Freedoms. This bill would extend legislative protections to agricultural workers to ensure that their rights to form and join associations can be exercised in a meaningful way.

2100

Before this piece of legislation was introduced, there was a great deal of discussion within the industry—members of the agricultural industry and representatives of organized labour—and from this, then, came this bill. The message received was that Ontario agriculture employers value the relationship they already have with their employees. They believe it is a good one. We heard that it's important to treat all agricultural employees in a consistent manner. We heard that Ontario's agricultural production must not be vulnerable to the risk of potentially devastating labour disruptions.

When this bill was drafted, we remembered what we had heard. So the proposed legislation before us today does respect individual and constitutional rights of agricultural employees, while having regard to the unique characteristics of agriculture. The proposed legislation would enable agricultural employees to exercise their rights to form and join an employees' association, to participate in the lawful activities of that association and to have the right to assemble and make representations to an employer through an employees' association. The proposed legislation would ensure that all of this could be done free from interference, coercion and discrimination.

It's important to emphasize that the proposed legislation contains no restrictions on the composition of an

employees' association other than that the association be comprised of agriculture employees. An employees' association could be comprised of agricultural employees from any number of farms. It could be organized on any basis that employees want. It could be a branch of another organization, including a branch or local of a union. A union or other organization could assist employees in forming an employees' association whether the association was formed as a branch or local of the union or other organization or as a separate association. To be clear, while an agriculture employee may join an association that is a union, the proposed legislation does not extend collective bargaining to agricultural workers.

It is also worth noting that the proposed legislation is not about workplace health and safety and is directed at agricultural employees' rights of association. It would enhance the ability of employees and employers to communicate about terms and conditions of employment, including any concerns about workplace health and safety.

It would give recourse should an individual or association believe that their rights have been contravened. It would give the Agriculture, Food and Rural Affairs Appeal Tribunal authority to hear complaints about alleged contraventions of the act and to issue remedial orders.

The proposed legislation would also protect a farm's most valuable assets—land, livestock and crops—by recognizing an employer's right to control access to his property—not prohibit access, mind you, but to control it. Any person or group could apply to the Agriculture, Food and Rural Affairs Appeal Tribunal for access to farm property where agricultural employees reside for the purpose of encouraging the employees to join an association. When dealing with such applications, the tribunal would take into consideration human health and safety, normal agricultural practices, animal health and safety, plant health, planting and harvesting, biosecurity needs, privacy and property rights. These are essential considerations to ensure that normal agricultural operations are not unduly interfered with.

The proposed legislation would protect the rights of Ontario's agricultural employees and would also recognize the unique characteristics of Ontario's agricultural operations.

I would also like to speak to another aspect of this piece of legislation that many have suggested: the issues of farm safety. Certainly, when I look at the members of my community and the concerns they have about farm safety—I know they have worked very hard with the Farm Safety Association of Ontario to make sure that farms become safer places—we have some extremely important information with regard to farm safety. If you look at the period of the last few years, there are some disturbing statistics, which fortunately are improving. One of them is that of 109 fatalities on farms between 1996 and 2001, 17 were under the age of 16, and of the same number, 109 fatalities, 23 were over the age of 65. We're talking here about farm families, and we're talking

about the kinds of dangers that must be addressed on farms. The agricultural employee fatality rate was 4.54 per 100,000 employees in 2000. The rate of agricultural employee lost-time injuries declined by 25% from 1996 to 2001. So some of the fearmongering we have heard with regard to health and safety for employees has certainly been an ongoing issue and has certainly been addressed by much of the work that has been done by the Farm Safety Association.

The Canadian statistics demonstrate that in Ontario over the past few years, there has been a significant decline in the number of work-related farm fatalities between 1990—about 40 per year—and 1998—about 20 per year. When you look at the combination of this balanced piece of legislation and the work that has been done by the Farm Safety Association and the results of that work and the decline we are seeing, all of this is designed to continue to ensure that agriculture does have a very firm foundation and future in the province of Ontario.

The Acting Speaker: Questions and comments?

Mrs Lyn McLeod (Thunder Bay-Atikokan): The debate around this issue—and it's a complex and highly sensitive issue—has been going on for a long time. I'm not sure that any government has really resolved all the issues that are involved. Obviously this bill is being presented as an agricultural bill—concern for what needs to happen in order to sustain agricultural operations. It's presented as employer-worker protection, as opposed to being presented as labour law. If it were being presented as labour law, the balancing of powers might look quite different than it does in this particular legislation.

I share some of the concerns that have been expressed by the previous speaker, and which I know are going to be expressed by my colleague when he rises to speak next, because he is one of the individuals who has persuaded us, along with others, that the issue of the perishability of goods in an agricultural setting is one that has to be taken into consideration. The fact that the fruit has to be picked and that the cows have to be milked is a factor that has to be taken into account in terms of determining whether or not an agricultural operation can sustain a labour disruption. I think that's the kind of question that would have to be addressed if what we were looking at tonight was in fact labour law, as opposed to a law presented by the Ministry of Agriculture.

I think the case can be made, where the labour disruption would create too great a hardship, that there can be some alternative; we look in health services, obviously, at areas of essential services, recognizing that a labour disruption would not be sustainable. When we reach that conclusion, I don't think it takes away the onus on government to make sure there really is protection of workers and, secondly, that there is labour law to be considered that would differentiate a small family farm operation from a larger, more industrial kind of complex, which many once-upon-a-time family farms have now become. I think there is still more work to be done by this and future governments on this issue.

2110

Mr Prue: These chambers have been here for a long time, and I am sure that similar words were coming out of the government benches at the turn of the century. I'm sure the same words were spoken about factories and mines and where children were working. I am sure the same words were coming out of members' mouths who sat in that very seat back there, talking about protecting factories from those horrible workers who were seeking to unionize, from those horrible people who were seeking health and safety for themselves and for their children. I'm sure the same words we're hearing today came out of mouths on those benches all those many years ago.

You can say that after one year you've gone from 40 deaths per year to 29 on the family farm. That is still 29 deaths too many; 29 deaths that people who were properly able to deal with the situation, who were able to collectively bargain, to form a meaningful association, could speak to. These are absolutely controllable, and people have the right to try, as best they can, to control their own destiny. It is not enough for governments, people in this House, to control that destiny. People have to collectively, or sometimes individually if they are powerful enough, control their own destiny.

That is what is missing in this bill. You are treating these people, who are often poorly educated, who are often from outside this country, as if they have no destiny to control. They have a right as human beings to expect fair wages and good working conditions. They have a right to express that in any way they deem appropriate, not through some Mickey Mouse association, but from something they want to control and elect themselves, someone who will speak for them and who will do it right.

Mr Johnson: I just wanted to congratulate the member for York North on an excellent presentation and analysis of Bill 187. I might like, at some time, to further debate the member for Beaches-East York on the differences between mining and factories, and farming, because I know of many farming operations—I think particularly of beef operations—where an interruption would actually ruin production for a year and a half. I think there are great differences, and I think that farmers in my constituency would be quite disappointed if didn't point that out.

I was thinking that the member for York North forgot to point out the Liberal leadership, the McLeod-McGuinty leadership, crawling on their knees up Highway 11 to call on Jack Wilkinson, the leader of the Ontario Federation of Agriculture, quite a capable, dynamic leader, and I can imagine the reason. They wanted to try to explain to him why they all sat on their hands during first reading in this House. I would think Mr Wilkinson would have some questions for them, and I would love to be the fly on the wall to hear what kind of story the McLeod-McGuinty Liberals would tell that particularly respected leader in the north.

I did want to add my comments to the member for York North and to congratulate her on a very excellent presentation.

Mr Michael Gravelle (Thunder Bay-Superior North): The government would have us believe that they care a great deal about agriculture and farmland and farmers across the province. But I can tell you, as a member from Thunder Bay—and my colleague from Thunder Bay-Atikokan will back me up in this—we certainly don't feel there is much concern being shown for agriculture in northwestern Ontario, with the impending closure of the Thunder Bay agricultural research station, which is happening this coming Thursday, October 31. It's been a battle we have been really fighting. Here we have one of the great stories of economic diversification in northwestern Ontario, something this government tells us they want us to promote and want to support, yet the agricultural research station, which has just been an extraordinary story from the point of view of new products, new soils, new soybean production, things that never could have happened before in our farmland—we have 238 farms in that area, in the Thunder Bay district. We have 27,000 acres that are under cultivation in the area. We have 27,000 other acres that could be used. Through the work of a gentleman named Gordon Scheifele, who has been heading up the agricultural research station, it's been just remarkable what has happened in terms of the future for agriculture in northwestern Ontario, and that's about to end. We are really full of despair about that. Certainly the Northwestern Ontario Associated Chambers of Commerce have gotten up about this and asked the government to help. I have spoken to the Minister of Agriculture about it. She would explain to you that the funding comes through the University of Guelph, and their funding has been cut back. So they have made a decision to no longer fund the station.

But it's the government's responsibility and opportunity to support this agricultural research station. Certainly, we are pleading with Northern Development and Mines Minister Jim Wilson. We know there is lots of money in the heritage fund. We think that can be a way to keep this research station open. We believe it's vital to keep it open, we think it's incredibly important to keep it open and we believe that if the government really cared about agriculture in northwestern Ontario, they would find the small amount of money that is needed to keep that agricultural research station open in Thunder Bay.

The Acting Speaker: Response?

Mrs Munro: Thank you to the members from Thunder Bay-Atikokan, Beaches-East York, Perth-Middlesex and Thunder Bay-Superior North. My first comment would be to the member from Thunder Bay-Superior North in that a two-minute response is a response; that is, to the information that has been provided. I wasn't aware of any that was made.

To the member from Beaches-East York, I think that an effort to try to draw out an *Oliver Twist* kind of attitude toward the legislation frankly fails because of the

fact that throughout the piece of legislation we're discussing this evening is the balance that is being presented here, the opportunity to recognize an individual's charter rights, the opportunity then to form an association and a balance, which the member from Thunder Bay-Atikokan referred to, that looks at what is essential to the preservation of agricultural viability on the one hand and ensuring the opportunity for employees to associate.

The comment that was made with regard to the number of injuries: I think I was very clear about the fact that one injury or fatality is one too many. The important thing to recognize here is the work done by the Farm Safety Association of Ontario and others to address the kinds of dangers that exist in the agricultural community as a workplace and to find methods to respond to them.

The Acting Speaker: Further debate?

2120

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell): C'est un plaisir pour moi de prendre part à ce débat ce soir. C'est suite à la décision de la Cour suprême que l'on a dû procéder avec ce projet de loi 187, Loi visant à protéger les droits des employés agricoles. Ce projet de loi 187 pourrait avoir des conséquences négatives sur l'avenir et l'opération actuelle de nos fermes familiales. Avec certains amendements, je vais définitivement apporter mon appui à ce projet de loi.

Je voudrais apporter aussi une précision. J'ai écouté tout à l'heure la députée de Nickel Belt. Je comprends très bien sa situation lorsque nous parlons d'employés sur des fermes avec une quantité d'employés tels que des producteurs de tabac, pour un exemple. Je veux aussi préciser que la position que je prendrai ce soir ou demain, lorsque le vote sera demandé, c'est que j'appuie définitivement les corps syndicaux lorsque vient le temps de protéger l'employé.

N'eût été des syndicats, je pourrais dire que beaucoup de gens qui travaillent sur les chantiers de construction ne pourraient pas continuer à vivre adéquatement ni avoir une qualité de vie, puisque aujourd'hui nous savons que sur la construction, rendus à l'âge de 55 ans, nous avons à travailler maintenant 11 et 12 mois par année. Dans le passé, nous travaillions seulement six à huit mois par année mais aujourd'hui, avec les conditions que nous avons, nous devons travailler sur les chantiers de construction. C'est grâce aux syndicats que nous pouvons apporter une sécurité d'emploi à ces employés.

Mais je dois dire que lorsque je parle de fermes familiales en Ontario, la moyenne de vaches qui sont traitées par jour est de 51. La traite se fait en moyenne sur 51 vaches sur nos fermes laitières en Ontario. Si nous procédions à ce que la Cour suprême a décidé, je crois que nos fermiers ne pourraient plus continuer. Nous savons que de plus en plus, le nombre de fermes diminuent en Ontario. Je regarde dans ma circonscription pour un exemple.

Pour apporter plus d'attention aux élus du secteur urbain, j'ai demandé à plusieurs députés de venir passer une journée sur la ferme afin de comprendre davantage le

travail et l'importance de la ferme familiale. La députée de Windsor-Ouest, Sandra Pupatello, lorsque je lui ai demandé de venir travailler sur la ferme, m'a dit, « Voyons, Jean-Marc, c'est tout automatisé maintenant. » Elle a su ce que c'était parce qu'à 4 h 30 le matin, on se lève et on ne peut pas aller se coucher avant 11 heures le soir. Alvin Curling, le député de Scarborough-Rouge River, m'a dit, « À Toronto, nous travaillons de 9 heures à 5 heures, mais ici c'est de 5 heures à 9 heures, l'inverse. Aussi, sur la ferme on doit aller travailler pour gagner notre déjeuner. Sur la ferme on doit travailler, aller déjeuner et retourner au travail. » Mario Sergio, le député de York-Ouest, a été travailler sur la ferme de Pierre Bercier à Ste Rose et il a compris ce que c'est, travailler sur la ferme.

On ne peut pas se permettre d'avoir une grève sur les fermes. Pour ceux qui sont conscients de la ferme laitière, une vache pour quelques jours peut attendre 20 minutes pour la traite. Pour quelques jours, 20 minutes est le maximum que l'on peut attendre pour la traite. Même à cinq minutes la vache commence à être nerveuse. Voyez-vous une grève sur une ferme familiale où on a un ou deux employés? Avoir une grève, quand l'employeur actuellement doit travailler sept jours par semaine? Maintenant c'est de 5 heures à 11 heures, et même à 2 heures du matin, puisqu'on doit procéder à trois traites par jour au lieu d'une ou deux, comme dans le passé.

Les agriculteurs dans ma région travaillent en étroite collaboration avec le Collège d'Alfred, qui est un campus de l'Université de Guelph. Encore une fois, je comprends très bien la situation de la députée de Nickel Belt. J'ai rencontré l'Union des cultivateurs franco-ontariens le lundi 21 octobre. Ils m'ont répondu par lettre, que j'ai reçue le 23 octobre, et je vais lire quelques paragraphes de cette lettre. Elle m'a été adressée par Alain Delorme, directeur général de l'Union des cultivateurs franco-ontariens. Il me dit :

« De mon avis il y a deux points très importants à prendre conscience face à cette loi.

« 1. Malgré que la loi, pour satisfaire la clientèle agricole, ne permet pas le droit de négociations collectives, il pourrait y avoir escalade vers des pouvoirs de négociations avec le temps, ou pire encore, des pouvoirs de négociations donnés par la cour, ce qui aurait pour effet de nuire considérablement aux opérations agricoles normales, très saisonnières et très fragiles reliées aux animaux, aux fruits et légumes et autres productions périssables. Les entreprises agricoles pourraient être très négativement affectées au niveau financier par une escalade éventuelle vers des pouvoirs de négociations collectives. Même les petites entreprises à employé unique pourraient éventuellement avoir à faire face à des revendications de régimes collectifs si leur employé décide de joindre les rangs d'une association de travailleurs.

« Le problème est que ces associations, même si elles n'ont pas présentement le pouvoir de négociations collectives, elles l'obtiendront avec le temps et les efforts qu'elles y mettront. À ce moment, tout le secteur agricole

sera confronté à des revendications qui soit mettront les entreprises en péril ou soit pousseront les prix des denrées vers le haut. »

Mais, monsieur le Président, le deuxième point, l'autre point très important « qui est bon de souligner est celui des travailleurs saisonniers étrangers qui affluent vers l'Ontario au moment de la récolte. Ces gens se comptent par milliers et se retrouvent plus souvent qu'autrement dans des conditions de travail assez misérables. C'est-à-dire: sous le salaire minimum, conditions de travail difficiles et non sanitaires, longues heures de travail, et logeant à des endroits où les conditions sont moins que désirables. » Je peux dire même que ces personnes qu'il appelle des esclaves, qui sont sous la juridiction du fédéral, demeurent dans des endroits encore pires qu'en brousse de l'Afrique, parce que là-bas on a des conditions meilleures. « Je comprends alors pourquoi il y a un certain mouvement vers la syndicalisation et le droit de négociations collectives à l'intérieur des entreprises qui offrent ces conditions. »

Il m'a dit à considérer: « La solution ne serait-elle pas plutôt de se tourner vers une réglementation qui assurerait des conditions de travail et de rémunération minimums pour les travailleurs agricoles qui sont pour

l'instant exclus du code des normes de travail. » C'est juste.

« Une autre solution pourrait être la possibilité d'associations et de revendications collectives sans droit de grève avec le droit à un processus d'arbitrage exécutoire qui prendrait en considération le contexte fragile actuel dans lequel les entreprises agricoles doivent opérer. Le contexte actuel inclurait des choses tels: la fragilité de l'entreprise, les produits périssables, le confort des animaux, le temps de la récolte et des différentes applications d'intrants, etc. Ce conseil d'arbitrage aurait un pouvoir d'exécution qui pourrait faire appliquer la décision.

« Une autre solution à envisager serait que la loi ne s'applique qu'aux entreprises ayant au-dessus d'un certain nombre d'employés. » Je dis un exemple: 20 employés. Ça pourrait être 10, ça pourrait être 100. On le verra dans nos amendements qui seront emportés. « De cette façon les risques seraient associés surtout au plus grandes entreprises... »

Merci, monsieur le Président.

The Acting Speaker: It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2130.

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Davenport	Ruprecht, Tony (L)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
Don Valley East / -Est	Caplan, David (L)	Kitchener-Waterloo	Witmer, Hon / L'hon Elizabeth (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Don Valley West / -Ouest	Turnbull, Hon / L'hon David (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
		Lanark-Carleton	Sterling, Hon / L'hon Norman W. (PC) Minister of Transportation / ministre des Transports
Dufferin-Peel- Wellington-Grey	Eves, Hon / L'hon Ernie (PC) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Leeds-Grenville	Runciman, Hon / L'hon Robert W. (PC) Minister of Public Safety and Security / ministre de la Sécurité et de la Sécurité publique
Durham	O'Toole, John R. (PC)		
Eglinton-Lawrence	Colle, Mike (L)	London North Centre / London-Centre-Nord	Cunningham, Hon / L'hon Dianne (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Elgin-Middlesex-London	Peters, Steve (L)		
Erie-Lincoln	Hudak, Hon / L'hon Tim (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	London West / -Ouest	Wood, Bob (PC)
		London-Fanshawe	Mazzilli, Frank (PC)
Essex	Crozier, Bruce (L)	Markham	Tsubouchi, Hon / L'hon David H. (PC) Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
Etobicoke Centre / -Centre	Stockwell, Hon / L'hon Chris (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	Mississauga Centre / -Centre	Sampson, Rob (PC)
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	Elliott, Hon / L'hon Brenda (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga East / -Est	DeFaria, Hon / L'hon Carl (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	Galt, Hon / L'hon Doug (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	Clark, Hon / L'hon Brad (PC) Minister of Labour / ministre du Travail
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Oshawa	Ouellette, Hon / L'hon Jerry J. (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Bartolucci, Rick (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	Molinari, Hon / L'hon Tina R. (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
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Ottawa-Vanier	Boyer, Claudette (Ind)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
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Perth-Middlesex	Johnson, Bert (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
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Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

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Wednesday 30 October 2002

Mercredi 30 octobre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers



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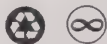
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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 30 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 30 octobre 2002

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

AGRICULTURAL RESEARCH STATION

Mr Michael Gravelle (Thunder Bay-Superior North): It is with great frustration but still some measure of hope that I address the Legislature today. As a northern member acutely conscious of the need for us to continually diversify our economy, I am appalled that the government of Ontario is doing nothing to stop the closure of the Thunder Bay agricultural research station scheduled for tomorrow.

This utterly flies in the face of economic logic because of the remarkable successes that have been the hallmark of this small but vital research facility. In its 12 years of operation, the farming sector has benefited enormously, making it possible for the northwest to dream about actually becoming a net exporter of grains in the future. The growth of soybeans, for example, a crop previously never imagined as a northwestern Ontario product, would never have gone forward without the research and advice of the station's staff. Yet the Minister of Agriculture has ignored our call for the minimal financial assistance needed to keep this facility open.

So we now turn to the Minister of Northern Development to provide us with the \$200,000 needed—small potatoes, if you will—that will allow our agricultural sector in the northwest to continue to flourish and grow. Minister, this is very much about northern development and we expect you, as our advocate, to keep this facility open. You are well aware of the issue, as not only have I spoken to you about this, but the Northwestern Ontario Associated Chambers of Commerce met with you about this vital manner during your visit to their annual meeting last month.

There is no argument about the enormous value of this facility. What we need now is for you to free up some dollars from the northern Ontario heritage fund to keep agricultural research in the northwest alive. We're at the 11th hour, but it is not too late. If you truly want to show your understanding for our needs in the northwest, you'll stop this closure now. It is simply the right thing to do.

FOODLAND ONTARIO AWARDS

Mr Toby Barrett (Haldimand-Norfolk-Brant): I'd like to take this opportunity to make mention of two grocery stores in my riding that have been recently honoured by the Ontario government with the annual distribution of Foodland Ontario awards. I'm proud to say that both Cayuga IGA and Caledonia Zehrs—these stores are in Haldimand county—garnered silver awards of merit recognizing excellence in promoting Ontario produce.

Across Ontario we obviously have some of the hardest-working farmers producing some of the highest-quality product in the world. However, there is competition in that world and it's important that we continue the efforts of all stakeholders—wholesalers, the grocers, as we mentioned here, Foodland Ontario and farmers themselves—to ensure that the consumer understands that when the Ontario name is on a product there is quality in each and every bite.

Through partnering with Foodland Ontario, retailers are able to become part of a successful marketing program that offers them a competitive edge. Based on research, there's a noted high degree of consumer trust in Ontario-grown produce. The Foodland Ontario symbol has tremendous recognition and consumers look for and ask for the Foodland Ontario logo by name.

Through their inspired attention to detail, and certainly a lot of hard work, these grocers, and of course their staff, like those at the Cayuga IGA and the Caledonia Zehrs, are showcasing the provinces' produce in a way that captures the consumer's eye.

CHILD CARE WORKER APPRECIATION DAY

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Today I had the opportunity to visit the Hester How Child Care Centre, where child care workers were recognized for their outstanding contributions as part of Child Care Worker Appreciation Day. The second annual Child Care Worker Appreciation Day is being marked today all across Ontario as many municipalities will acknowledge the contribution of child care workers within their communities.

Child care workers play a significant role in the early development of our most precious resource, our children. My leader, Dalton McGuinty, has made early child

development a priority to ensure that the needs of our children and their caregivers are met.

This Best Start plan is the most ambitious early child development program that will be undertaken in the province, when a Liberal government will provide over 300,000 subsidized child care spaces in its first four-year term. Professional child care workers are a key component in our plan as many studies demonstrate that quality child care enhances our children's readiness to learn.

The success of our future tradespeople, doctors, teachers and business leaders depends on the quality care they will receive between the ages of zero and six years of age. The Liberal Party is committed to its Best Start plan for Ontario's children. On behalf of Dalton McGuinty and the Ontario Liberal caucus, I am very pleased to recognize the great work that thousands of child care workers in Ontario do today.

JEAN ACHMATOWICZ-MacLEOD

Mr John O'Toole (Durham): I rise in the House today to pay tribute to a truly gracious and wonderful constituent of Durham riding, Jean Achmatowicz-MacLeod.

Jean was named to the Order of Canada. She was amongst 40 distinguished Canadians honoured recently at the investiture ceremonies in Halifax, October 26.

Jean Achmatowicz-MacLeod is a lifelong volunteer in local, provincial and national organizations. However, her main focus has been on the provision of health care quality. Indeed, she is one of Durham region's strongest advocates for equal access to quality health care. She is the former chair of the board of the Oshawa General Hospital and in that capacity she led the hospital through challenges of amalgamation. She was elected as a member of the Lakeridge Health Corporation board and also served on the board of Cancer Care Ontario.

She is a dedicated advocate for the rights of persons to live with mental illness. As a chair of the mental health implementation task force for central-east Ontario, she has worked hard and tirelessly on behalf of patients requiring institutional care. She has a talent for finding solutions to difficult issues and she is frequently in contact with Durham MPPs to express these concerns on behalf of the community.

I am pleased to inform the House of the investiture of Ms Jean Achmatowicz-MacLeod and to pay a tribute to her achievements. She is an outstanding advocate on health issues, a dedicated volunteer, leader and inspiration to others. This is truly recognition that is well deserved. I would like to say thank you to Jean for her distinguished service to our community.

HOSPITAL RESTRUCTURING

Mr Ernie Parsons (Prince Edward-Hastings): I would like to invite the Minister of Health to tour the four hospitals of the Quinte Healthcare Corp. We can

start in Trenton: a wonderful community hospital struggling financially. We could drive half an hour from there to Picton: wonderful hospital built by the citizens. From Picton we'll travel on to the Belleville site—that's about another half-hour to drive there—great hospital but underfunded. From Belleville we would then drive for an hour and a half to the Bancroft Hospital: a great vital community hospital.

Now here's the rub: we'll have been on the road two and a half hours but according to the minister we're still in the same spot where we started. The minister says all of those four buildings are in the same location, and they're funded as one large hospital. That ain't too bright. If we think about it, four separate hospitals need to be funded as four separate hospitals. It costs money to transfer bedding, it costs money to transfer food, it costs money to transfer information from one hospital site to another. The hospital in Belleville is an hour and a half away from the branch just down the road.

1340

Please give a little respect and recognize that rural Ontario needs medical service as much as the large urban areas, and use a little common sense. We told you three years ago, two years ago and last year that these are four separate hospital sites and should be funded accordingly. Minister, do the right thing finally and fund Quinte Healthcare Corp for their real costs, not your pretend world that they're all in one city.

CHILD CARE WORKER APPRECIATION DAY

Ms Shelley Martel (Nickel Belt): On behalf of the New Democratic Party, I am very pleased to acknowledge that today is the second annual Child Care Worker Appreciation Day. We want to say thanks to those incredible early childhood educators, primarily women, who provide tremendous early learning and care to our most precious resource—our children.

Over 38 Ontario municipalities have passed proclamations to recognize the valuable contribution being made by well-trained early childhood educators in our communities. Ontario child care workers shape the social, emotional, physical and cognitive development of our youngest citizens. They support Ontario families by providing safe, high-quality child care so that parents can participate in the Ontario economy. Child care workers provide an essential public service, and Ontario can't work without them.

If this government truly wanted to show its appreciation to child care workers, it would pay these workers the proxy pay equity they deserve. But this government has shown disdain for these workers by cancelling proxy pay equity in 1996. When the Divisional Court ruled against the government, this government then capped proxy pay equity back to December 1998. These workers are now in court trying to get what they are owed from the government. This capping makes a mockery of this

government's alleged commitment to children. Today, on this day, this government should pay proxy pay equity to child care workers in Ontario.

CHRONIC OBSTRUCTIVE PULMONARY DISEASE

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I rise today to remind everyone of a terrible disease that is reaching epidemic proportions. According to the Ontario Lung Association, this disease kills one person every hour in Canada. The disease is called chronic obstructive pulmonary disease, or COPD. It is an umbrella term for two major breathing diseases: chronic bronchitis and emphysema.

Currently 3.1% of the population in Ontario has been formally diagnosed with COPD—that is, 300,000 people who are having difficulty breathing, many of them suffering from irreversible lung damage and finding it difficult to perform simple activities without having to take a break and catch their breath.

By 2020, COPD will be the third leading cause of death worldwide.

Sadly, COPD is almost entirely preventable, with cigarette smoking accounting for up to 83% to 90% of all cases.

In the members' gallery today, I am pleased to recognize Mr Alan McFarlane from the Ontario Lung Association, and Patricia Robertson.

In the spirit of Halloween, I would like to encourage all members and their staff to attend an Ontario Lung Association event called Unmasking the Face of COPD this evening at 5 o'clock in the legislative dining room. Together we can learn more about preventing and treating this devastating disease.

HYDRO DEREGULATION

Mr Dwight Duncan (Windsor-St Clair): Many parts of the world have their great myths. Scotland has the Loch Ness monster; Nepal has the abominable snowman. Here in Ontario, the NDP is spreading another myth: that Ontario can just hand its hydro problems back to the government-owned monopoly and all will be cured.

Today, we have the worst of all possibilities. The so-called open market has a supply monopoly: Ontario Power Generation. OPG is 100% owned by this government, OPG controls three quarters of our power generation and OPG consistently fails to get enough supply on-line to keep prices low, thanks to failures like Pickering A. The result is not enough supply and skyrocketing prices.

The NDP's response is based on myth. NDP myth would throw out new suppliers we need to get prices down. NDP myth would close the border to electricity at a time when we don't have enough supply. That means a major crunch in the summer and winter when demand is highest. NDP myth would regulate electricity Ontario

simply doesn't have because the NDP and the Conservatives have failed to invest in supply. NDP myth would replace high hydro rates with higher debt and taxes and, we think, higher rates even still.

Howard on hydro is another NDP myth, like public auto insurance. The failure to fix today's problems is the Tories' fault. The people who caused it were the New Democrats.

NEW DOCTORS IN STRATFORD

Mr Bert Johnson (Perth-Middlesex): I rise today to welcome two new doctors to the city of Stratford, Dr Stirling Keizer and Dr Heather Keizer. Stirling is a family practitioner and Heather is a psychiatrist.

Coming from Halifax, the Keizers could have gone anywhere in the world, and in fact had an interesting offer from Kentucky. As an unpaid commercial, I just wanted to let you know that Dr Keizer is looking for patients. They chose Ontario and Stratford, and we're delighted to have them in our community. There are any number of advantages to locating in southwestern Ontario, and Stratford offers a warm welcome, good schools and a good medical profession in an atmosphere where it's possible to balance raising a young family with pursuing a rewarding career.

The doctors, staff and administration at Stratford General Hospital played a key role in the Keizers' decision to come to Stratford. I'd like to commend the Stratford hospital's administrator, Andrew Williams, for his skill and judgment in highlighting what our area has to offer.

I also want to commend my colleague the Minister of Health and Long-Term Care for everything he and his ministry are doing to ensure that doctor recruitment and retention remain a top priority of our health care system.

Again, please join me in welcoming the Keizers and their children to Stratford, and in wishing them the best success in their newly chosen home.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon Gary Carr): I beg to inform the House that today the Clerk received the eighth report of the standing committee on government agencies. Pursuant to standing order 106(e), the report is deemed to be adopted by the House.

VISITORS

Mr Steve Peters (Elgin-Middlesex-London): On a point of order, Mr Speaker: I'd like all members of the House to welcome Mr Bob Kerwin and his son Eric. Bob

is the father of Pierre, one of our pages. They're in the members' gallery.

Mr George Smitherman (Toronto Centre-Rosedale): On a point of order, Mr Speaker: I want to call all members' attention to the west gallery where Kevin Quach, who served as a page in the last group but didn't have time to have lunch with me then, has come back, not only to have lunch but to spy on the new group of pages.

The Speaker (Hon Gary Carr): We welcome our friend back.

Mr Alvin Curling (Scarborough-Rouge River): On a point of order, Mr Speaker: It is to recognize one of the brightest schools we have in Ontario, Henry Kelsey school. There are numbers of them on both sides. They're here to observe the wonderful behaviour of their parliamentarians, with their principal, Mr Iron.

INTRODUCTION OF BILLS

ONTARIO ENERGY BOARD AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI SUR LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO

Mr Crozier moved first reading of the following bill:

Bill 197, An Act to amend the Ontario Energy Board Act, 1998 to require notice to consumers where there is a rate increase in energy prices / *Projet de loi 197, Loi modifiant la Loi de 1998 sur la Commission de l'énergie de l'Ontario pour exiger qu'un préavis soit donné aux consommateurs lors de l'augmentation des prix de l'énergie.*

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Bruce Crozier (Essex): This bill, if passed, would require that when there are increases to the rate for the sale of gas to customers, the order shall provide that the increased rate does not apply until after the gas distributors and storage companies have provided consumers with 30 days' written notice of the increase. If, in approving or fixing a rate for the retailing of electricity under section 78 or in approving the rate for the delivery of electricity to rural or remote consumers under section 79, the rate for consumers increases, the order of the board shall provide that the increased rate does not apply until after the distributor has provided consumers with 30 days' written notice of the increase. This would give consumers, particularly those who are receiving variable rate increases, the opportunity to select their choices for fixed rates, for example.

1350

KEEPING THE PROMISE FOR A STRONG ECONOMY ACT (BUDGET MEASURES), 2002 LOI DE 2002 SUR LE RESPECT DE L'ENGAGEMENT D'ASSURER UNE ÉCONOMIE SAINTE (MESURES BUDGÉTAIRES)

Mrs Ecker moved first reading of the following bill:

Bill 198, An Act to implement Budget measures and other initiatives of the Government / *Projet de loi 198, Loi mettant en oeuvre certaines mesures budgétaires et d'autres initiatives du gouvernement.*

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The minister for a short statement?

Hon Janet Ecker (Minister of Finance): If passed, the Keeping the Promise for a Strong Economy Act (Budget Measures), 2002, would implement a number of initiatives announced in the 2002 budget. These include steps to improve investor confidence and reforms to Ontario's automobile insurance system. In our ongoing efforts to ensure existing government policies remain current and effective, the bill would also implement amendments to clarify provisions in key statutes and introduce a preliminary framework for tax-incentive zones and municipal opportunity bonds.

Once in effect, this bill will benefit a broad range of taxpayers at all income levels, all business sectors and all regions of the province.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I seek unanimous consent to put the following motion:

That the Minister of Finance be directed by this House to give a ministerial statement with respect to the act which she just tabled to outline why the government is not proceeding with its tax cuts, to more clearly define what is in the bill, and to allow the opposition the opportunity to respond to what can only be considered a major piece of legislation.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On a point of order, Speaker: That's passing strange, this point of order from the member opposite who last week heard about the first reading of a bill and didn't know anything about it, but apparently he knows everything about this bill, and it's first reading again.

The Speaker: Just a second. I will ask for unanimous consent. Is there unanimous consent? I'm afraid I heard some noes.

KEEPING WATER IN PUBLIC HANDS ACT, 2002 LOI DE 2002 VISANT À MAINTENIR L'EAU DANS LE DOMAINE PUBLIC

Mr Caplan moved first reading of the following bill:

Bill 199, An Act to prevent the sale of municipally-owned water works / Projet de loi 199, Loi visant à empêcher la vente de stations de purification de l'eau dont les municipalités sont propriétaires.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr David Caplan (Don Valley East): Retaining public ownership of water utilities is fundamental to protecting drinking water. The Keeping Water in Public Hands Act evolves from Justice O'Connor's recommendations from the Walkerton inquiry. He said, "In not recommending the sale of municipal water systems to the private sector, my conclusion is based on several considerations: the essentially local character of water services; the natural-monopoly characteristics of the water industry; the importance of maintaining accountability to local residents; and the historical role of municipalities in this field." That's found in part two of his report, on page 323.

The government has had two major opportunities to act on this warning from Justice O'Connor in the Walkerton report, and they haven't done that. This bill will do it. This bill, of course, will not prohibit municipalities from entering into partnerships relating to the construction and operation of their utilities.

INVESTOR PROTECTION ACT (BUSINESS CORPORATIONS AND PUBLIC ACCOUNTANCY), 2002

LOI DE 2002 SUR LA PROTECTION DES INVESTISSEURS (SOCIÉTÉS PAR ACTIONS ET COMPTABILITÉ PUBLIQUE)

Mr Hampton moved first reading of the following bill:

Bill 200, An Act to amend the Business Corporations Act and the Public Accountancy Act to protect investors / Projet de loi 200, Loi modifiant la Loi sur les sociétés par actions et la Loi sur la comptabilité publique pour protéger les investisseurs.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Howard Hampton (Kenora-Rainy River): At the heart of the Arthur Andersen-Enron scandal was a conflict of interest. Andersen made more money offering consulting and related services to Enron than it made from properly auditing the company's books. We want to ensure that this kind of conflict of interest is no longer permitted in Ontario. It's not good enough just to hand off to the champion of deregulation, Mr Ron Daniels, and ask him to think about accountancy. We need to eliminate the conflict of interest in accountancy, and this bill will do that.

MOTORCYCLE AWARENESS WEEK ACT, 2002

LOI DE 2002 SUR LA SEMAINE DE SENSIBILISATION À LA MOTOCYCLETTE

Mr Stewart moved first reading of the following bill:

Bill 201, An Act to proclaim Motorcycle Awareness Week / Projet de loi 201, Loi proclamant la Semaine de sensibilisation à la motocyclette.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr R. Gary Stewart (Peterborough): This bill is all about safety and awareness. If the bill is proclaimed, it proclaims the week beginning on the first Monday in May of each year as Motorcycle Awareness Week.

MOTIONS

APPOINTMENT OF PRESIDING OFFICERS

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I seek unanimous consent to move a motion without notice with respect to the rotation of the Deputy Speakers.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

Hon Mr Stockwell: I move that notwithstanding the order of the House dated October 29, 2001, Bert Johnson, member for the electoral district of Perth-Middlesex, be appointed Deputy Speaker and Chair of the Committee of the whole House; Mike Brown, member for the electoral district of Algoma-Manitoulin, be appointed First Deputy Chair of the Committee of the whole House; and David Christopherson, member for the electoral district of Hamilton West, be appointed Second Deputy Chair of the Committee of the whole House.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

ORAL QUESTIONS

HYDRO RATES

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Energy and it concerns electricity prices. Minister, can you help the electricity consumers of Ontario understand the following: in late May—early June, billing period of May 29—June 4, well after the market opened, during that week electricity demand averaged 16,232 megawatts and the price for that week in the open market this past spring averaged about 3.35 cents per kilowatt hour. Now we get into a similar

situation for the first week of October, this month. We see electricity demand averaging 16,434 megawatts and a price that averaged, during that week, 5.28 cents a kilowatt hour, an increase of approximately 60% in price at a time when demand is virtually the same as it was four months earlier.

1400

Can you explain to the electricity consumers why the price has gone up by over 60% for a demand that is about the same?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The member opposite talked about the first week of October and demand being in the neighbourhood of 16,000 megawatts. The peak load in the first week was certainly always in excess of 17,000, even as much as 20,000, 21,000. I would indicate that in the spring we had a very good runoff. There was a lot of water available for our hydroelectric stations right across the province of Ontario. That, coupled with a low amount of maintenance, certainly I would suspect contributed to the lower cost of electricity.

We had the hottest summer on record in 50 years, and that obviously meant we had less rainfall, which means our hydroelectric dams did not have the same amount of water that they would have had available in May. Depending on the given hour or a given five-minute interval, depending on which plant in the province of Ontario, be it that one operated by Ontario Power Generation or be it operated by an alternative generator—it depends whether it's a gas plant, like a Lennox, which would often be a price-setter if it was required, or if it was more baseload in nuclear or in fossil fuels.

Mr Conway: I want to be clear. I'm talking about the summer. We're not talking about July, August or September. I'm talking about comparing apples with apples. I'm talking about the shoulder seasons of the spring and fall, when demand is approximately the same, around 16,500, 17,000, 17,500 megawatts. In the spring, when we faced that kind of demand, price—and you were bragging about it—was down around 3.5 cents. In this part of the shoulder season, when demand is the same, well below the summer peak, around 17,000 or 18,000 megawatts, all of a sudden, demand, with the same mix of generation, is 60% higher at 5.2 and 5.3 cents.

Electricity consumers in Ontario want to know, since your company, Ontario Power Generation, is the dominant supplier—over 70% of this market is supplied by Ontario Power Generation: what possible explanation is there for, in these shoulder seasons, May, June and October of this year, same demand, same suppliers, price has increased in the fall over the spring by approximately 60%?

Hon Mr Baird: Again, the member opposite talks about 16,000 load. The peak load in the first week of October, let me say: October 1, 21,500; October 2, 20,000; October 3, 19,000; October 4, 19,000; October 5, 17,000. I did indicate to the member opposite two

particular factors off the top of my head. One is with respect to how much water, which is the fuel that runs the turbines. In the spring, when you have a huge amount of water from the winter runoff, you have more water at our various hydroelectric dams, which do represent about a third of the capacity in the province of Ontario. When you go through a hot summer in July and August, you obviously have less water in September and October. The loss of some of that water certainly has an effect on price, because what we see is we have to use some of the price-setting plants in the province of Ontario, such as gas at Lennox, which is not one of the more efficient operations which we'd like to see brought on-line—that, coupled with the facts on imports. We also had to do some scheduled maintenance when we ran the system all-out in the months of July and August.

Mr Conway: I thought you'd get to maintenance, and I just really appreciate the opportunity to talk about maintenance. Remember, prices are up in the shoulder seasons, spring and fall. These fall prices, with the same demand, are up 60%—not 5%, not 10%: 60%. May and June it's averaging—and I'm not talking about peaks; I'm talking about averages during these shoulder seasons, May and June—about 16,000 or 17,000 megs, 3.5 cents; averages this fall, October, consumption around 16,000, 17,000, 17,500, the price has gone from an average of 3.5 to 5.2. It's up 60%.

The California regulator said the following: "It is impossible to determine whether or not a declared forced outage is in fact an actual outage. It is impossible to determine whether a declared outage occurs because the plant is actually down for maintenance or whether in fact it has occurred because the generator wants to manipulate the market to make profit."

Since the dominant player in this marketplace today is Ernie Eves's company, Ontario Power Generation, controlling over 70% of the supply, are you prepared to say to me today, given this 60% increase in the commodity price, October over May, that your company, Ontario Power Generation, is not in fact gouging Ontario consumers to a very substantial degree?

Hon Mr Baird: I'll say two things: (1) water is cheaper; (2) gas is more expensive, and often in September and October the Lennox plant has set the price. That is demonstratively more expensive than October.

The member opposite has been in this place and has distinguished himself in 27 years of serving the people of Ontario well. If the member opposite has a shred of evidence to the claims he is suggesting, I would challenge him to put that evidence before the House and to bring it to the attention of the Market Surveillance Panel, as would be the responsible thing to do. If he has no evidence and is just making these claims up, I would suggest it's not advisable.

The Speaker (Hon Gary Carr): New question.

Mr Conway: New question: same minister, same subject. The California regulator said in 2001, after all the pain that they had been through, that one of the things he warned everybody else, including Californians, is to

beware with these generators who tell you they're taking the plant down for maintenance because they might just as easily be doing it to manipulate the market, to drive up prices and increase their profit.

Your company controls 70% of this market, and I repeat, prices are up in the shoulder season, October over May, this year by something like 60%. My question is this: yesterday Toronto Hydro filed with the energy board a request to change the way in which they are going to bill their customers, and they said they had to do so for a variety of reasons, not the least of which is the following—quoting directly from their submission to the energy board yesterday—“In 2001, prior to market opening, the highest monthly power bill received by Toronto Hydro was for \$154 million. To date, in the period since market opening, May 1, 2002, our highest monthly bill was for \$276 million.”

So there you've got one of the largest utilities saying that it is being put in a very difficult and compromised position because their commodity price, most of which is controlled by your company, OPG, has nearly doubled. What do you say to the consumers of Toronto Hydro as to what relief is in store for them because your company, OPG, is driving their bill through the roof?

Hon Mr Baird: Toronto Hydro, as did three other local distribution companies in their request to the Ontario Energy Board, did request that they go on a fixed rate as opposed to the other 90 local distribution companies who did go to the variable rate. In May and June customers paid more than they were required to pay and in months after weren't paying the full market rate.

Toronto Hydro wants to change their position on this, as they're rightly entitled to do. They've made an application to join the other 90 local distribution companies across the province of Ontario, and the Ontario Energy Board will hear that concern.

Mr Conway: Hundreds of thousands of Toronto Hydro customers would want me to ask this: a few months from now, in January, February, March, April 2003, hundreds of thousands of Toronto Hydro customers are going to get a very nasty surprise. They are going to get hydro bills that in the first six months of 2003, I guarantee you, will be substantially higher, hundreds of dollars higher than they've been paying in the last few months. In addition to that, by my calculation, the average residential customer served by Toronto Hydro is going to get a retroactive bill of probably in the neighbourhood of \$200, and it may very well have interest charges attached to it.

Minister of Energy, what are you prepared to say today will be offered by the Ernie Eves government to relieve the pain of these electricity customers in Toronto and millions of other customers around the province, including small businesses, who are being crucified on your hydro policy?

Hon Mr Baird: Customers of Toronto Hydro and three other local distribution companies do have a variance account. We have been working very hard directly with Toronto Hydro to see what opportunities could be available to ensure that customers could perhaps get the

rebate under the market mechanism at the same time that they are required to settle their variance account. That would be helpful for consumers, and the members on this side of the House who represent the city of Toronto have certainly been very supportive of that approach.

1410

Mr Conway: Your members, and I won't embarrass them by quoting them by name, are saying, “Please, give us relief, give us a cap, give us a freeze.” Listen, hundreds of thousands of electricity customers in Toronto have yet to feel the real pain. Toronto Hydro is saying very clearly in its submission that the real problem here is skyrocketing commodity prices that are controlled by the Ernie Eves company, Ontario Power Generation. In addition to that, and I repeat, Toronto Hydro is saying they've got a monthly bill now for bulk power purchases that's \$120 million higher than their highest monthly bill ever before. They're also telling us they've got receivables of about \$325 million more on the books in September than they've ever had before.

Consumers in Toronto—residential, business and industrial—will want to know, Minister, what specific plans of relief you have for these customers, given the pain they are about to experience after Christmas.

Hon Mr Baird: We're working with all the members of the Electricity Distributors Association. I had a meeting last evening with their chair and yesterday morning with one of their vice-presidents. We met last week. We certainly indicated our strong willingness, with the Independent Market Operator and the Ontario Energy Board, to find a more workable solution in terms of the payment periods that all LDCs experience. We've also indicated to those three or four LDCs that made the decision themselves to go to a fixed price that where commodity prices have not gone up, like the city of Toronto, we've made a commitment to treat them all the same. If there is any assistance we could provide or a policy change that would be advantageous, we'd be prepared to do so.

I noticed the member opposite's own leader said, “Rates may very well have to go up. We've been getting a bit of a free ride here in terms of the debt that the now-defunct Ontario Hydro has amassed.” The member opposite was quoted in the *Ottawa Citizen*, “Conway said Ontarians paid artificially low electricity prices for years while the provincially owned power utility piled up ... debt.” This is the one I like: “Let me be clear: we need a competitive marketplace.” Who said that? The official spokesman of the Leader of the Opposition.

HYDRO DEREGULATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Energy. Your hydro deregulation disaster is about to hit hydro consumers in Toronto with an extra hydro bill. People who have been paying their already elevated hydro bills are about to be hit with an extra bill for \$200 a month. The problem is, there are all kinds of people in Toronto who don't have an extra \$200 in their pockets to pay for your hydro-

electricity screw-up. Maybe you can tell the people of Toronto now what happens to those folks who don't have that extra \$200 to pay for your hydro screw-up.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The leader of the third party said in the first part of his question that they were going to have to pay, because of this, an extra \$200 per month. Then he went on to clarify that he was suggesting it would be a one-time payment of \$200. I don't know whether that actually reflects the average variance account for a residential consumer. I can say that we have been working with Toronto Hydro, and we treat any LDC the same—those other LDCs that are on a fixed-rate plan—in terms of what relief we could provide in terms of the rebate coming out at a proximate time that would ensure this didn't happen, that they weren't hit with the increases in electricity rates in three or four months all at once. We've been working very closely with officials at Toronto Hydro to try to find a solution, and thus far it has been a successful effort.

Mr Hampton: A successful effort when people are going to hit with an extra bill that says, "Despite the fact you've been paying for your hydro, we need you to kick in an extra \$200. Oh, by the way, your bills from now on are going to be substantially higher again?" That's what you call successful?

It's not just confined to Toronto. This is a submission to the Independent Market Operator by the Electricity Distributors Association and the municipal utilities of Hamilton, Orangeville, Thunder Bay, London, Kingston and Whitby.

The submission says that thanks to the hydro deregulation rules you've put in place, many of these municipal utilities are in danger of going bankrupt. They don't have the financial wherewithal to cover all the costs. These utilities warn of a "critical and irreversible event." Let me give you the code for that: it means the lights go out. Deregulation threatens more than a dozen municipal utilities across this province, and they're very clear: they won't be able to stay in business.

Will you admit that wherever you go in this province, your deregulation fiasco is causing one nasty surprise after another, and will you admit it's time to kill this very destructive experiment?

Hon Mr Baird: It won't surprise the member opposite that I won't accept what he's had to say.

I can say we're dealing with two issues with respect to local distribution companies. One is the four local distribution companies that go on a fixed rate, where the cost of generation has not gone up. I've indicated that we're working with them to ensure that when the rebate is remitted to the consumer, this variance account might be settled at the same time so that they're not experiencing increases of a few months all stacked up together.

We're doing that proactively, because I certainly know a good number of members in my caucus are concerned about this issue and brought this issue to my attention long before the leader of the third party and his band.

The second issue comes with respect to local distribution companies. There are concerns with respect to

the time frame in which the generators must be required to remit their payments, and the role the IMO plays. There is a working group between the IMO and the Ontario Energy Board. I've gotten directly involved in meeting with the Electricity Distributors Association to try to bring the parties together to come to a more reasonable solution, and I suspect we'll be able to find one.

Mr Hampton: I want to read from the first two paragraphs of this submission. It says, "Please find attached an urgent submission." Then, in the second paragraph, "This submission is made to address the immediate and urgent adverse financial impacts on local distribution utilities." We're talking about local utilities that have to go out and borrow millions of dollars at high interest to cover your hydro deregulation fiasco. Then that gets passed on to the consumers in the form of higher bills.

Minister, some of your MPPs have started to figure it out. They've started to figure out that this is both a financial disaster for Ontario and a political disaster for the Conservative government. When are the lights going to go on for you? When are you going to figure out that something has gone wrong and cancel deregulation? How long is it going to take?

Hon Mr Baird: We are working with the local distribution companies to find a solution that's balanced, that recognizes the credit lines of the Independent Electricity Market Operator, that recognizes the requirements of generators and local distribution companies.

The leader of the third party apparently was not able to sign up any new members to his hothead club. He has been prancing around Ontario on his emission-shooting bus to try to sign up members to a hothead club. I didn't know what a hothead was so I looked it up in the dictionary. The definition of a hothead is someone who is "reckless, impetuous and irresponsible," and I couldn't agree more that he should be the leader of that club.

The Speaker (Hon Gary Carr): New question.

Mr Hampton: I could have saved you the time. Jim Wilson is the definition of a hothead. I could have told you that.

I want to ask you about your plan and the Liberals' plan. Both the Conservatives and the Liberals say that as Ontario encounters an electricity shortage, the private sector will build the generating stations. Well, today, Sither Energies, a New York-based company, just announced they are not going to build two proposed generating stations in Ontario. In fact, while you and the Liberals boast that the private companies, the profit companies, will build new plants, Sither is saying they're not going to build 1,700 megawatts of new power in Ontario.

We're short of power. The IMO is warning of energy blackouts and brownouts. You and the Liberals both have the same answer, except that your answer is running out of gas.

1420

Will you admit, Minister, the private sector isn't answering your call and the Liberals' call to build the generating stations we need?

Hon Mr Baird: I will agree with the leader of the third party. He is right: the Ontario Liberals have been consistent supporters of moving to an open marketplace. I heard that message. I didn't heed the call to send them \$350 when Sean Conway and Dalton McGuinty went trolling on Bay Street for bucks to help support their privatization plans.

The member opposite speaks of one enterprise in the province of Ontario. Apparently they have a concern that Pickering A is coming on-line too quickly and that that would perhaps give it overcapacity. It's not a concern that I have, with my many concerns.

Mr Hampton: Minister, this is no small matter, because the IMO is warning about brownouts and blackouts. And the reality is that Sithe Energies was part of your answer and the Liberals' answer, and now it has run out of gas.

So I think it's incumbent upon you: what is your alternative strategy? Do you have a conservation strategy whereby we can conserve the use of electricity? Do you have a green energy strategy whereby we can bring on wind power? Are you prepared to bring on more public sector supply of electricity? Since the private sector that you and the Liberals talk about has run out of gas, what's the alternative plan, Minister? People across Ontario deserve to know.

Hon Mr Baird: The member opposite raises two issues. He talks about supply coming on-line. I take the concerns that the Independent Market Operator raises very seriously about the need to bring more supply on-line. I know that TransAlta would bring their supply on-line, I believe in the early part of next year. We know that Coral Energy and the project at Brighton Beach will bring on additional supply.

The member opposite talks about a green strategy for bringing wind power on-line. Under the New Democratic Party, if someone approached the government and said, "I want to build a windmill to help generate electricity," they would have been told, "It's illegal." And the member opposite wouldn't have allowed that power on the grid.

But there are a number of projects around the province. Huron Wind is going to be opening up five turbines, with 1.8 megawatts each, this fall, and that will be good news.

The member opposite did cite the concerns of the Independent Electricity Market Operator. In their 18-month outlook, dated September 24, the definitive guide on supply, it says, "The energy production capability is generally expected to be well above energy demand levels in each month of the outlook period."

ENERGY CONTRACTS

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the same minister on the same subject of electricity prices, and I'd like everybody's attention. Minister—

Interjections.

Mr Conway: I'm sorry. I apologize. I take that back. I apologize.

Minister, it's about what you and your company have been doing. Your company—our company—Hydro One, signed up about 200,000 people to electricity contracts before they sold the whole portfolio a few months ago to EPCOR, another company. Now, those 200,000 people who signed those fixed-rate contracts with your company, signed a contract that had buried in it the following language: "Rebate: In order to receive a fixed rate, I, the undersigned, hereby assign to the company"—Ernie Eves' company, Hydro One—"the benefit of any market wholesale rebate arising out of this agreement" and the IMO and OPG shall be so directed to cause your rebate to be given from me to you, Hydro One.

There are 200,000 people in Ontario, including my 86-year-old father, who signed contracts with your company. Now they find out that your company didn't tell them that buried in the fine print was a condition that said if there is a rebate, the rebate is assigned to Ernie Eves' company, Hydro One.

What are you going to say to those 200,000 people who were put in that predicament by your company, Hydro One?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): In the open marketplace of which the member opposite has been a consistent supporter—his words, not mine—people in Ontario have a choice. They can sign a fixed-rate contract for a set amount, which provides them with some security that that will be the price they will pay. This is not dissimilar to a mortgage, where some people, just for the security, would like to know what their mortgage rate will be rather than going at a variable rate. This is the case for many families right across the province. With some fixed-rate contracts, the rebate will flow directly to you as the consumer. With others, you assign that rebate to your retailer. If rates are 8.3 cents one month, in September, and you signed a flat-rate contract at 5.5 cents or six cents, that is the security you got, and that is a consumer issue for people in Ontario.

Mr Conway: Months ago, friends, hundreds of thousands of people, many of them old people, many of them on fixed incomes, were confronted on their front porch by representatives of Ontario Hydro who told them, "Sign up with us, your supplier, and we will protect you from the uncertainties of the marketplace."

Nobody said anything about a rebate; nobody said anything about assigning a rebate from the customer to Ernie Eves's company, Hydro One. Hundreds of thousands of people are going to find out next spring and summer that the Ontario government's company bamboozled them and took from them a rebate that might offer some protection from the skyrocketing prices that are being caused by a gouging monopolist also owned and controlled by Ernie Eves.

Why, Minister, should any consumer worried about the pain of your electricity policy, straight out of pro-

fessional wrestling, feel it is going to offer them any relief and any protection?

Hon Mr Baird: Let me talk to the member opposite. There's a variable rate, and that means they go up and down, and there's a fixed rate, and those remain constant. Consumers in the province have the right to take that fixed rate if it provides them with some greater security. They are in a sense buying that security, an insurance policy, if you will. Many people in the province of Ontario lock in their mortgages for five years so that they won't have to go to bed at night worrying about interest rates going to 10%, 12%, 14% or even 20%, as they have in my lifetime. Some consumers have signed contracts where the rebate is payable to them, and others will sign rebates where it's assigned to others.

But Dalton McGuinty said on this issue, "We believe you've got to go toward deregulation. That's the way to bring this to heel. That's the way to introduce real competition." They say one thing when it comes to opening the market and another thing when the reality hits.

The Speaker (Hon Gary Carr): New question. The member for Bramalea-Gore-Malton-Springdale.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Mr Speaker, my question is actually to the Minister of Finance, and I think I may forgo it until she is back.

The Speaker: I think it's only the leaders' questions we can step down. I'll check. Stop the clock for a quick minute, please.

Yes, I'm afraid only the leaders' questions can be stepped down. There was some confusion. We'll go ahead with the member for Nipissing, then.

1430

SMART GROWTH

Mr AL McDonald (Nipissing): My question is for the Minister of Municipal Affairs. I was pleased to see our government launch the Ontario Smart Growth initiative back in 2001. As we all know—

Interjections.

Mr McDonald: Mr Speaker, I didn't yell across at them when they were asking their questions.

The Speaker (Hon Gary Carr): The member is right. The member for Nipissing has the floor. Give him some attention, please.

Sorry, and I thank the member for his help.

Mr McDonald: Thank you, Mr Speaker. As we all know, Smart Growth is a new way of thinking about our growth. It asks us to look at the big picture, to look ahead some 15 or 30 years. It asks us to coordinate our decisions today on public investment, infrastructure, transportation and planning a secure, healthy future. Minister, could you please elaborate on how we are going to manage the anticipated growth in Ontario through this Smart Growth plan?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I'd like to thank the member from Nipissing for that insightful question. He's right, this is

an exciting time. We need to have a big picture of where we're going to go. The province of Ontario's population has grown by 2.5 million people in the last 15 to 20 years, and it's projected conservatively to grow the same amount in the next 15 to 20 years. We need to get a plan that gets out ahead of this growth so that we can welcome it. We need the growth for our standard of living. We also want to have the three priorities that we consulted on adhered to: a healthy pro-growth agenda that's good for the environment and good for our communities.

To get the details of this, we set up five panels. The central Ontario panel, which you're probably familiar with, has Chair Hazel McCallion, municipal representatives, environmentalists, and people from industry and business to give a consensus to what this growth plan should look like.

Mr McDonald: Thank you, Minister, for your response. Could you please share with my constituents what will happen if we do not adequately plan for future growth and why this initiative is so important?

Hon Mr Hodgson: To the member from Nipissing, that's a really good question. In some parts of Ontario, we haven't had growth distributed equally or evenly across the province. In northern Ontario, in communities like yours, we want to attract more growth, get more jobs in those communities. We need the infrastructure there to accommodate that growth and the climate to create those jobs.

In southern Ontario you're starting to see the manifestation of some of the growth we've experienced in the last 15 to 20 years. Gridlock is probably the most frustrating aspect of that. It's hard on the environment. Cars travelling at 80 kilometres an hour have certain air emissions. If they decrease their speed to 50 kilometres, those air emissions double. If it goes to 30 kilometres an hour, they triple. Gridlock is totally the worst thing for the environment. In terms of productivity and lost revenue for our economy, it's estimated to be \$2 billion. So we need to have ways to manage the growth we've got and also welcome more growth to this province, and we need a consensus in order to be able to go ahead with that.

ENERGY CONTRACTS

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Energy. Much has been made by the Premier and the Minister of Energy about the relief that this rebate on high bills is going to provide. Nearly a million fixed-rate contracts have been signed by people in Ontario with marketers. About 200,000 of those contracts involved our company, Hydro One. Most of the fixed-rate contracts, unknown to the people who signed them, signed away the rebate months ago. So the rebate that is going to be paid is going to be a benefit to the marketer, not to the consumer.

But I want to come back to the Minister of Energy about his company, Hydro One. Minister, you understand that when Hydro One representatives showed up at the

door, they showed up with none of the details. They didn't tell these old people on fixed incomes that there was going to be a rebate. They didn't even show them the contract. They said simply this: "We're from Ontario Hydro. We are here to protect you. Trust us. Sign here."

I would argue that your company, in most of these cases, broke your own retailers' code of conduct. What relief are you going to provide to the 200,000 people in Ontario who in good faith trusted your company, Hydro One, only to be bamboozled, gouged and ripped off by them?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The member opposite stood in his place and said they didn't show them anything, they didn't even show them a contract, and then he tells me that they showed it to them to sign it. Obviously it's tremendously important for all consumers, whether it's on this issue or anything else they undertake as consumers, to read the clauses. We brought in Bill 58 this past June, which will allow consumers even greater options to review things and even requiring issues like reconfirmation to be there.

I suspect some in the province of Ontario would find it rather odd, though, that if, for example, in the month of September, a customer was entitled to a rebate because electricity was at 8.3 cents, a customer who was only paying 5.5 cents should get that same rebate.

Mr Conway: We've all talked to these people. We know what happened to them. "Sign this little form; details to follow." It is clear to most of us who've talked to these people that your company, Hydro One, manipulated and ripped off a lot of unsuspecting people. The more you talk about rebate, the more you're going to hear from these people in the spring and summer of next year.

But it gets worse. This is my question to the minister. It gets worse, because having signed up 200,000 people to these fixed-rate contracts, not mentioning the rebate, not telling people that they'd signed it over to Hydro One, you know what the Ernie Eves company then did? It sold the whole portfolio to another company and Hydro One, our company, cashed in on the value of the rebate.

So these consumers who were bamboozled and misled and kept in the dark were ripped off. Who benefited? Well, that company called Hydro One. Consumers were kicked in the teeth, ripped off, left to fend for themselves, and the Ernie Eves company, Hydro One—remember that crew? Graham Day, Eleanor Clitheroe, the multi-million-dollar people on the boats looking after themselves? Oh, they did well, and so did the company. Isn't it a sad situation that these plutocrats, these rip-off artists, including the government, made all the money, and hundreds of thousands of people, many of them old people on fixed incomes, were ripped off and so manipulated? Isn't that a disgrace?

Hon Mr Baird: The member opposite is saying that the details would follow later. Yet in the question he just stood in his place and said the details were in the fine print. Were the details there, or were the details not? Is the member opposite suggesting—

Interjections.

The Speaker (Hon Gary Carr): Order. The member had quiet for asking the question. The minister now gets a chance to answer.

Hon Mr Baird: Is the member opposite suggesting that someone who was paying 5.5 cents for electricity should get a rebate as if they were paying 8.3 cents for electricity? It sounds like that is exactly what he is suggesting.

The Speaker: Were you done? I apologize. I didn't mean to step on your line. The member asked the question. It is fair to let the minister answer. I apologize for getting up so quickly.

JUSTICE ISSUES

Mr R. Gary Stewart (Peterborough): My question is for the Attorney General. Minister, earlier today the Eves government introduced new legislation to increase protection for Ontario's investors. This is certainly an important step, as people in my riding of Peterborough have the right to know that their government is looking out for their financial security. Part of the proposed legislation demands tougher penalties to ensure compliance with Ontario's securities laws. Maximum court fines for general offences would increase from \$1 million to \$5 million and maximum prison terms would increase from two years to five years less a day.

Clearly, there is a need for these kinds of stricter penalties in the light of corporate scandals like Enron. Those who violate the law and jeopardize the investment of everyday Ontarians should face serious penalties for their actions.

But another important part of providing a serious deterrent is changes to the federal Criminal Code. Ontario announced that they are moving forward with toughening the penalties. Minister, what action will you take at the upcoming national justice ministers' meeting to press for similar action by Ottawa?

Hon David Young (Attorney General, minister responsible for native affairs): I thank the honourable member for that very important question. It's important to remember that in Ontario we have very high professional standards and a high level of accountability. That has been the case for years. Nevertheless, the Ernie Eves government this morning announced a number of further measures to confirm that we are not prepared to be complacent on this very important issue of investor confidence. We came forward this morning and talked about greater fines and greater penalties and broader reviews. We can do only so much, though, within the provincial sphere. As the members opposite know, there are certain matters that are in the federal domain—

Interjection.

The Speaker (Hon Gary Carr): Will the member for Toronto Centre-Rosedale come to order, please. Sorry, Attorney General.

Hon Mr Young: There are certain matters that are exclusively within the federal domain, and we must be

respectful of that. That of course includes items that appear in the Criminal Code. So what I am going to do at the federal-provincial territorial conference next week, with my colleague Minister Runciman, is raise a number of measures that we believe should be introduced at the federal level that will help us fight to ensure that individuals across the province can have confidence in the businesses they choose to invest in.

Mr Stewart: Minister, it's certainly important that you press this issue with the federal justice minister and your provincial colleagues. I would also like to know what other items you are going to put at the top of your agenda for this meeting. Traditionally, the Ontario government has focused on initiatives to increase community safety, particularly in areas of crime and law enforcement. What outcomes are you hoping to achieve from this meeting, and in which areas will you be pressing the federal government to make clear commitments to enhance the safety and security of all Ontarians?

Hon Mr Young: All Ontarians have the right to feel safe in their homes and in their communities. Indeed, they all have the right to be safe in those homes and in those communities.

1440

The Ernie Eves government has advocated to improve the safety of every Ontarian across this province. We have done so with numerous actions over the past number of years, and one of the things we have done in addition to that is advocate on behalf of the people of Ontario to have changes made at the federal level.

One issue I intend to raise again next week deals with DNA testing. Right now, the federal Liberal legislation only allows for testing in very limited situations. What this means is that there are people in prison right now from whom we cannot obtain DNA tests. What this means is that over the next short while these individuals will be released out into the streets because of loopholes, and we will not have their DNA testing evidence available. What that means is very serious: these individuals will be put back out into our communities, we will not be in a position to determine if they have committed additional crimes previously, and we will not be in a position to catch them in an expeditious manner when they commit crimes in the future. We need these changes made to the DNA legislation, and we need them made now.

RACIAL PROFILING

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Public Safety and Security. Minister, you stated today that you support racial profiling at the border, that you support targeting law-abiding citizens as if they are criminals. You said you approve of fingerprinting and photographing certain citizens based upon their appearance, perceived religion or place of birth.

Minister, none of those things will do anything to fight crime but will certainly re-create in Ontario a very shameful period in our history when Japanese Canadians

were attacked because of their race. What you're proposing is repugnant to New Democrats and repugnant to people across this province.

Minister, here and now, will you publicly renounce your support of racial profiling, whether at the borders or in our communities?

Hon Robert W. Runciman (Minister of Public Safety and Security): Because it's unparliamentary, I can't describe that question in terms I'd like to describe it in, Mr Speaker. It is completely inaccurate.

I was asked this morning with respect to the warnings that have been issued by the federal government to Canadians travelling to the United States who are of different cultural backgrounds: did I think that was appropriate? I felt that the federal government was being wise in terms of advising these individuals that they would face these challenges if indeed they were seeking entry into the United States. I think it is wise that they apprise our citizenry of the barriers or the challenges they might face when they're travelling in the United States. I think that's quite appropriate.

Mr Hampton: Minister, you may claim to be misunderstood, so I'm going to ask you again very clearly. I'm going to ask you to stand up and I'm going to ask you to say very clearly that you disapprove of people being singled out, that you disapprove of people being fingerprinted based upon how they look or what their perceived religion is, that you disapprove of people being discriminated against because they might be from this visible minority or that visible minority. Will you say that? In your position as the minister of public security, will you say that?

Hon Mr Runciman: What I disapprove of is drive-by smears by this member in the Legislature. That's what this is, Mr Speaker. Let there be no mistake about it. When this issue was originally raised in this House, I made it quite clear that this government in no way supports racial profiling by police in this province, and for this member to get up here and try to smear my reputation is completely unworthy of this assembly or any member of this assembly.

Interjections.

The Speaker (Hon Gary Carr): Order. We're on to the next question.

ENERGY CONTRACTS

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Energy. It concerns this rebate. I have in my hand a sample document that Hydro One retailers took to the door. Now, if you can read it—it's in microscopic print—you will not find the word "rebate" anywhere on this. What you will find is the following language: "I understand that if this application is accepted by the company Hydro One, I have accepted and agreed to be bound by the general terms and conditions, even if I have not read them."

That's what your company did on the doorsteps of tens of thousands of people. This is the form. In micro-

scopic print, there is no reference to a rebate. So the question arises: what are you going to say to the hundreds of thousands of people who are listening to Ernie Eves and others say not to worry, that there's a rebate coming, when they find out that even their own company, Hydro One, signed them up on a very, very misleading basis to a contract, the full details of which they did not advertise or reveal, and that Hydro One has taken on to itself any rebate that might be paid at a future date?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The member opposite has made a number of allegations. He's saying now that if people in the province don't read contracts, somehow they can be let out in any other area. He's saying it was included in the contract, and then he said it wasn't included in the contract.

People in the province of Ontario had the option with respect to getting a fixed-rate price. If they were paying 8.3 cents, as they did in September, on the spot market, they're obviously going to be entitled to a rebate. If they were only paying 5.5 cents, it would seem a little bit strange that you would get a rebate on a price you didn't pay. There are various contracts which are offered for the consumer. With some retailers, you can pay a higher fixed rate and you would be eligible to receive the rebate. Obviously the fixed rate would be higher. It's all a question of who assumes the risk.

Mr Conway: This is really important, because at the end of the day consumers and investors are going to want to know, can we trust our government? Can we trust our provincial government to protect us from the electricity situation out there?

I raise this today because this kind of gouging was carried on by the Ontario government company, Hydro One, a retailer. We've all heard it. We've all heard senior citizens tell us these stories. We've heard it about other companies, but you have to know that our company did it. Hydro One, with malice aforethought, went out and signed up people like my dad, who's 86, who saw somebody at his door who said, "I'm from Ontario Hydro. I'm here to protect you." They never told my father or hundreds or thousands of older people like him that there was anything like a rebate.

How is this not a fundamental breach of trust, and how and why, Mr Minister of Energy, should any consumer, in Toronto or elsewhere, faced with these skyrocketing electricity bills, either believe you or trust you to protect them?

Hon Mr Baird: There are fixed-rate contracts. There are variable-rate contracts. The people of Ontario may also want to ask the member opposite from the official opposition, should they trust a party that changes its mind on every issue? Should they trust a party who says they're in favour of competition?

The terms of discourse in this issue I think could be a lot higher. The member opposite is someone who has a huge amount of knowledge on this issue—

Interjections.

The Speaker (Hon Gary Carr): The member for Windsor-St Clair and the member for Kingston and the Islands, come to order, please. The minister has the floor.

Hon Mr Baird: The member opposite has a huge amount of knowledge on this issue, and some of the statements he's made in terms of these questions are not raising the level of debate in this province. He said they are included in the contract and he says they're not. He says they're not giving anything and then he said they're asked to sign something. He says they don't have to read it, yet it's been given to them. That may work with the media—

Interjections.

The Speaker: Sorry to interrupt again, Minister. I've done that twice when you were up. I apologize.

The member for Windsor-St Clair, it's your last warning now.

I apologize if you do have some more time. Again, I'm sorry. Right at the end, we do get up, and I hate to cut you off like that.

1450

AUTOMOBILE INSURANCE

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I finally get to ask my question. My question is to the Minister of Finance. Minister, this year drivers across Ontario have experienced significant increases in auto insurance premiums. We all know that after our government reforms in 1996, insurance rates dropped by an average of 12%. Drivers, including in my own riding of Bramalea-Gore-Malton-Springdale, are expressing confusion and concern over recent increases in their auto insurance. I would appreciate if the minister could explain why these rates are increasing.

Hon Janet Ecker (Minister of Finance): I share the member's concern about the pressures that consumers of auto insurance are experiencing. Insurance premiums are rising across Canada and Ontario and indeed all of North America due to factors such as rising health care costs, higher reinsurance premiums following the 9/11 tragedy of last year, and lower investment returns. There are pressures worldwide that are causing challenges here in Canada.

When Bill 59 took effect in 1996, we did find that the measures we put in place to make insurance products fairer to consumers actually helped to stabilize rates. We have been looking at changes to help auto insurance companies here in Ontario continue to provide competitive products to consumers, to continue to make sure that consumers are getting the treatment, the benefits, the care they need. As a result of recommendations from my parliamentary assistants—Ted Chudleigh, Rob Sampson and Wayne Wettlaufer—we have indeed proceeded with changes that we announced in the June budget.

Mr Gill: Minister, the reforms you have introduced certainly sound like they will benefit consumers. I'm sure all members of this House will appreciate the hard work that went into creating these reforms, especially through

the consultation that Messrs Chudleigh, Sampson and Wettlaufer held with the auto insurance industry, health care providers and consumers. Can you explain in greater detail how you expect these reforms to benefit consumers of auto insurance and maybe even help them find reasonable rates?

Hon Mrs Ecker: What we are proposing to do would be to improve access to treatment for injured individuals, to expand the rights of seriously injured people to sue. This is especially important for health care costs in excess of no-fault benefits, especially important for children. There are consumer awareness measures to make sure that consumers can make an informed choice when they are purchasing insurance. There are a number of changes that we think are going to actually help provide better treatment for consumers, and we think it's a very important initiative.

POST-SECONDARY EDUCATION

Mrs Marie Bountrogianni (Hamilton Mountain): My question is for the Deputy Premier. Minister, college students from across Ontario have come to Queen's Park today hoping to raise awareness on the accessibility and affordability of a college education in Ontario.

Students know that employment success is guaranteed for those with a college diploma. The double cohort is an enormous stress on students, given your low predictions on how many students will be graduating.

As well, colleges have suffered a 40% decrease in funding from your government, while Premier Eves was finance minister, I might add. As a result, college tuition has increased by 140%, yet the loan maximums set by OSAP have not changed. Students are paying more than their fair share for their education.

Deputy Premier, studies have shown that thanks to your government, middle-income families can't send their kids to post-secondary education. Will you accept the college students' proposals to bring your OSAP policies and criteria into the new millennium?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I appreciate the question from the member opposite. I can certainly say on behalf of the Minister of Training, Colleges and Universities that she does consult regularly with students from the universities and the colleges. We are prepared to take a look at the recommendations that have been brought forward to date and review them.

I would also say to you that this issue of affordability is one that is a high priority for our government. Recently we have created new student aid programs. There are the Queen Elizabeth II Aiming for the Top scholarships. That's going to help about 12,000 Ontario students, with annual spending of \$35 million. We're also going to be expanding the amount of money for OSAP. So I can tell you, we remain concerned that each and every student has access to post-secondary education.

Mrs Bountrogianni: Number one, the Queen Elizabeth scholarships are simply the renaming of an

existing scholarship. Number two, we're not only asking you to increase OSAP; you have to do that. There are more students with the double cohort, more OSAP per student. There are some administrative changes you can make today that will make it easier, without costing a penny.

Families are struggling to help their children obtain a college education. Ashley is here from Humber College. She will have a \$40,000 debt after a two-year photography course. She had to pay \$2,000 in tuition, \$16,000 for equipment and \$6,000 per year for rent. She did not even qualify for OSAP because her parents are a middle-income family. They have three other children—two that they've put through school and two that they're putting through school now. There used to be an appeal process for situations like this; your government killed it. That's one administrative change you can make tomorrow—no cost.

Cindy is here from St Lawrence College. She was a single mom at 19; she is 41 now. She has a learning disability, a physical disability. A simple administrative change would help her. Give her her OSAP money before the second or third week of school. There are simple administrative changes you can make today, you can commit to today, to make these students' lives easier. Do it, Deputy Premier. Just do it.

Hon Mrs Witmer: As I said in response to the first question, we will certainly review the recommendations that have been brought forward today. The minister is going to take a look at them. She continues to meet on a regular basis with students, and I want to give my assurance that the OSAP funding is being increased in order to make sure that we can respond to the needs of all the double cohort students. The money is certainly going to be there. There is an increase in the pot of money.

This year, we have also provided more money for our colleges. This year, the operating grants have increased by \$42.5 million. That is a 5.7% increase to our colleges—

Interjection.

The Speaker (Hon Gary Carr): I'm sorry to interrupt, Deputy Premier. The member for Kingston and the Islands, this is his last warning, too. Sorry, Deputy Premier.

Hon Mrs Witmer: I appreciate that, Mr Speaker. The reality is, they know that our government has increased the amount of funding for students so they don't really want to hear that answer.

I would simply say we have increased the funding for colleges this year. We are providing a 5.7% increase. Enrolment has only gone up 3.2%. Again, we have new programs to support these students and I can tell you the money will be there.

MARS DISCOVERY DISTRICT

Mr Bert Johnson (Perth-Middlesex): My question is for my colleague the Associate Minister of Enterprise, Opportunity and Innovation—the energetic, the solid, the

steady, the great David Turnbull. Ontarians know that securing a bright future for the next generation requires investment in research and innovation strategies. These would include centres such as the University of Guelph which are so important for research to the people in the agricultural industry in my riding.

The Medical and Related Sciences Discovery District—and I've heard about it; it's called MARS—is one of the exciting components of this government's commitment to fostering useful new technologies. Minister, can you take a moment and highlight some of the details of the MARS Discovery District?

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): I cannot help but thank the member for Perth-Middlesex for this insightful question. It is very important—it really and truly is.

Interjections.

Hon Mr Turnbull: I hear heckling from the opposite side of the floor.

This is a very exciting project. It bolsters the development of cutting-edge medical and related science research. It's in close proximity to the University of Toronto and our leading research hospitals. What we're doing here is bringing together researchers and life science companies under one roof.

The government has committed \$20 million to the MARS project. This is going to lever approximately \$300 million worth of R&D centre; it will be a 1.2 million-square-foot development.

It supports the government's innovation agenda, it complements the research clusters in Ottawa, Guelph, Kingston, London and Hamilton, and it is indeed vital to our province's future, because it will provide jobs and opportunity for decades to come.

VISITORS

Ms Caroline Di Cocco (Sarnia-Lambton): I'd like to welcome to the Legislature the grandparents of Wade Carey, Norma and Graham Garner, and parents of Wade Carey, Joanne and Don Carey. They're in the members' gallery.

1500

PETITIONS

LONG-TERM CARE

Mr James J. Bradley (St Catharines): I have a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the Eves government has increased the fees paid by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I am in complete agreement, and I affix my signature.

COMPETITIVE ELECTRICITY MARKET

Mr Jean-Marc Lalonde (Glenarry-Prescott-Russell): I have a petition of 1,312 names which comes for my riding and also from Kanata and Nepean. I'm up to 2,600-plus names on this petition.

"To the Legislative Assembly of Ontario:

"Whereas the Harris-Eves government deregulated electricity on May 1, 2002 in the province of Ontario, without it being in their election platform in either 1995 or 1999 and without the mandate of the people of Ontario; and

"Whereas the commodity of electricity has reached outrageous levels, having risen at times over 100% since May 1, 2002, causing Ontarians great financial hardship; and

"Whereas Ontario Power Generation (owned by the Ontario government) has applied to the Ontario Energy Board for a 20% reduction in the promised rebate to Ontarians if the commodity price of electricity rose above 3.8 cents per KWH; and

"Whereas the Harris-Eves government authorized exorbitant salaries and bonuses in the amount of \$2.2 million per annum be paid to their former president of Hydro One, and in excess of \$1.6 million per annum to the vice-president of Ontario Power Generation;

"Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government take immediate action to ensure that Ontarians have fair prices for the necessary commodity of electricity in Ontario and that

the Conservative government and its leader, Ernie Eves, call a general election on the instability of the energy market so that Ontarians can have a voice on this issue."

I add my signature to this.

NATURAL GAS RATES

Mr Michael Gravelle (Thunder Bay-Superior North): As angry as people are about the huge increases in their hydro bills, they're also very angry about Union Gas and the approval by the Ontario Energy Board to allow a \$120 retroactive delivery charge. I continue to read petitions to the Legislative Assembly.

"To the Legislative Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases."

I hope that Union Gas will back off on this and I'm very happy to sign my name to this petition.

EDUCATION FUNDING

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): "To the Legislative Assembly of Ontario:

"Whereas application of the student-focused funding model for 2001-02 does not allow sufficient funding to the Hastings and Prince Edward school board for secretarial support in schools, principals and vice-principals, transportation or school operations;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To reassess the student-focused funding legislative grants for the 2002-03 school year to provide additional funding for those areas where funding is insufficient and to adjust future student-focused funding to address the situation of declining enrolments faced by the Hastings and Prince Edward District School Board and other boards in Ontario."

I'm very happy to sign my name to this petition and I will hand it to Matthew, who will take it to the table for me.

LONG-TERM CARE

Mr Gilles Bisson (Timmins-James Bay): My petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Conservative government increased fees paid by Ontario seniors and other vulnerable people living in long-term-care facilities ... instead of providing adequate government funding for long-term care; and

"Whereas the Conservative government has therefore shifted the cost of long-term care on to the backs of the frail elderly and their families; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas in 1996 Ontario abandoned its minimum requirement of 2.25 hours of nursing care per nursing home resident; and

"Whereas the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own study, government cutbacks have resulted in Ontario seniors receiving just 14 minutes a day of care from a registered nurse (less than half the time given to residents in Saskatchewan) and

"Whereas the report also found that Ontario residents receive the least nursing, bathing and general care of nine other comparable locations;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Join the Ontario New Democratic Party in demanding the Conservative government eliminate the fee increase for residents of long-term-care facilities, increase the number of nursing care hours for each resident to ... 3.5 hours per day, and provide stable, increased funding to ensure quality care is there for Ontario residents of long-term-care facilities."

I've signed that petition.

COMPETITIVE ELECTRICITY MARKET

Mr Tony Ruprecht (Davenport): I have a petition here concerning the ever-increasing electricity prices in Ontario. It's addressed to the Parliament of Ontario and reads as follows:

"We, the undersigned residents of Toronto, demand that the government immediately stop the process of privatizing our electricity transmission system, the network of steel towers, transformers, wooden poles which transmit power from generation plants to our homes, and further postpone the electricity deregulation process until the Ontario public is given proof that privatization will not result in price increases; and place a moratorium on any further retailing of electricity until the Ontario Energy Board comes up with a standard contract to be used by all retailers; and that a standard contract spell out in clear terms that residential users are waiving their

rights to future rebates in exchange for fixed rates over a specified period of time.”

Since I'm in total agreement with this petition, I am delighted to sign it and pass it on to Maureen.

1510

LONG-TERM CARE

Mr Michael Gravelle (Thunder Bay-Superior North): Like my colleague from St Catharines, Mr Bradley, I want to read a petition related to the long-term-care increase, as it's happening all across the province, certainly in southern Ontario and northern Ontario.

“A petition to the Legislative Assembly of Ontario:

“Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

“Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

“Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

“Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

“Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

“Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

“Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

“Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels.”

I am very pleased to sign my name to the petition. I hand it off to Pierre, our page.

COMPETITIVE ELECTRICITY MARKET

Mr James J. Bradley (St Catharines): My petition reads:

“To the Legislative Assembly of Ontario:

“Whereas the Ernie Eves Conservative government has legislated the opening of the Ontario electricity market as of May 1, 2002, and the price per kilowatt hour

for electricity in the province of Ontario has nearly quadrupled since May 1; and

“Whereas the Conservative government of Ontario has done very little to address key issues, such as energy supply, which forces the province to import power and causes the price of electricity to skyrocket; and

“Whereas Ernie Eves has done a poor job in educating the public as to the ramifications of an open electricity market in the province of Ontario and has done little to punish the unscrupulous sales practices of door-to-door energy retailers; and

“Whereas the government of Ontario has saddled the population of Ontario with additional debt reduction charges, which further increases the amount that the citizens of Ontario have to pay per kilowatt hour, yet the hydro debt continues to increase; and

“Whereas the Mike Harris-Ernie Eves governments appointed the board of directors for Hydro One, who approved exorbitant salaries and compensation packages for Hydro One executives;

“Be it resolved that the Ontario government move immediately to protect our province's electricity consumers by addressing the serious generation problem in Ontario, by punishing unscrupulous electricity retailers and by moving forward with a rebate to offset the increasing costs of electricity in Ontario.”

I affix my signature, as I'm in complete agreement, as I suspect the Speaker is as well.

SCHOOL CLOSURES

Mr Tony Ruprecht (Davenport): I have another petition here that is important. It concerns the school closures in Toronto.

“Whereas” the government “is cutting the heart out of many communities by closing hundreds of neighbourhood...schools...; and

“Whereas this massive number of school closings all at once will displace many children and put others on longer bus routes; and

“Whereas” the government “promised in 1995 not to cut classroom spending but has already cut at least \$1 billion from our schools and is now closing many classrooms completely; and

“Whereas” the government “is pitting parent against parent and community against community in the fight to save local schools; and

“Whereas parents and students in the city of Toronto and indeed many other communities across Ontario are calling on the government to stop closing so many of their schools;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“We demand that” this government “stop closing local schools.”

As I'm in agreement, Mr Speaker, I'm delighted to give this to Maureen to give to you.

NATURAL GAS RATES

Mr Michael Gravelle (Thunder Bay-Superior North): Mr Speaker, with your permission I will read some more petitions related to the Union Gas retroactive delivery charge being approved by the Ontario Energy Board, and the government of Ontario doing nothing to stop that so far.

“To the Legislative Assembly of Ontario:

“Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

“Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

“Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

“Therefore we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act”—right there, Mr Speaker—“disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases.”

I have received thousands and thousands of petitions on this issue. I absolutely have, and they continue to come in. I am very pleased to add my name to this petition, and I hope that the government acts and that Union Gas backs off.

ORDERS OF THE DAY

TIME ALLOCATION

Hon Helen Johns (Minister of Agriculture and Food): I move that pursuant to standing order 56 and notwithstanding any other standing order or special order of the House relating to Bill 187, an Act to protect the rights of agricultural employees, when Bill 187 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill, without further debate or amendment, at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That, when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the votes on second and third reading may, pursuant to standing order 28(h), be deferred; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Speaker (Hon Gary Carr): The minister has moved government motion 50 and, just for clarification, it's pursuant to standing order 46.

The member for Lambton-Kent-Middlesex has the floor.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): It's a pleasure for me to rise today in the House—

The Speaker: Order. I'm afraid there's some misunderstanding. If the minister doesn't speak, the rotation goes to the other side. We'll get back to you in a minute. Sorry about that. I should have known that. So the rotation will go to this side and then back to the other side. I apologize.

The member for Elgin-Middlesex-London.

Mr Steve Peters (Elgin-Middlesex-London): Thank you very much, Speaker.

What we're witnessing today is I guess unfortunate. It's what we're seeing become rampant within this government, and that's another time allocation motion.

All of us were sent to this place, from 103 ridings across this province, to ensure that every piece of legislation receive its just due and receive the proper debate that should be allocated to it. What we're seeing here, though, is time allocation, which limits the allocation, which limits debate. In many ways, that is stifling the democratic tradition of this House.

If you look back at the track record that exists from the Davis era to the Peterson era to the Rae era to the Harris-Eves era, it is unprecedented, what we have witnessed in the number of time allocation motions.

1520

The purpose of legislation and the purpose of this very building we stand in and rise in is to ensure healthy debate. It's to ensure that the government puts forward its case for support for a piece of legislation and that Her Majesty's loyal opposition and the third party have that opportunity for debate. But this government has a track record of shutting down debate. I think it's important for the people at home to know that the issues you want us to discuss in this Legislature aren't being adequately discussed.

When we stand up come next election time, I think it's incumbent that the Conservative members explain to the electorate of this province why they are so intent on putting forth time allocation motions.

This is an important piece of legislation that we have in front of us. I'm going to speak to it, but I would love to have had the full time allocated for us.

Hon Brenda Elliott (Minister of Community, Family and Children's Services): Go right to the heart of the matter, then.

Mr Peters: If we want to go to the heart of the matter, Minister of Community, Family and Children's Services, we could talk a bit about your failure of funding allocations for persons with developmental disabilities in this province. How dare you come to the city of London and make an announcement and then allocate just a little over \$1 million for persons with developmental disabilities in the southwest region? That's shameful. It's disgraceful.

Hon Mrs Elliott: It's \$64 million.

Mr Peters: It's \$64 million, but how much was allocated to the southwest? The southwest was short-changed last time and the southwest has been short-changed again. I would encourage the minister to speak to the heads of associations for community living and the desperate situation they're facing and the constant calls coming into their offices.

I'm going to provide the minister with a list of families I want her to speak to, to explain to them why, when they have spent years saving the system hundreds of millions of dollars and all of a sudden now, when they need a home for their child and a place for that child to live—in many cases now it's an adult—there's no place to go. There's no room at the inn. You're putting your head in the sand when it comes to persons with developmental disabilities.

Mrs Julia Munro (York North): Mr Speaker, on a point of order: the member opposite was referring at the beginning of his remarks to the difficulty he had in being able to make those remarks, given the time allocation. I would suggest that perhaps his time should be spent debating the bill rather than other issues.

The Deputy Speaker (Mr Bert Johnson): That's almost a point of order. The point of order is that we'd like you to bring your remarks within either the bill that is being time-allocated or the time allocation itself.

Mr Peters: I couldn't resist the opportunity when I was being heckled. The Minister of Community, Family and Children's Services is not addressing many issues that face families in this province. This is a time allocation motion and I think the minister has certainly let down many families in this province. I will stand up at any time to speak for families and put people first, because you don't put people first. This government doesn't put people first. You've abandoned people in this province and you should be ashamed of what you've done to those individuals.

I'm going to provide you with that list and I want you to speak to those families. Many of those families live in rural communities as well. I can think of individuals who live in a rural community, and the many challenges that are faced by the agricultural community and people living in rural communities in this province.

We're talking about Bill 187, the Agricultural Employees Protection Act, which affects rural communities. Issues facing rural communities have not been adequately addressed by this government. This government fails to recognize that there is a difference that exists in this province between urban and rural. Issues facing rural communities are much different than those facing urban communities. The costs associated with providing services in a rural community are much greater and the challenges facing rural communities are much greater. This government truly has failed to recognize that.

Time allocation is shutting down this debate. There are so many issues facing the agricultural community today. I know the minister doesn't want to talk about issues facing persons with disabilities, so we will talk about agriculture.

The minister, in her speeches, has talked about keeping the agricultural industry competitive. When she introduced this piece of legislation that we have in front of us today, she talked about keeping the industry competitive.

But in many ways this government has thrown many roadblocks in front of the agricultural industry in this province. We heard a question yesterday in this Legislature where the market revenue cheques have gone out, and I do compliment the minister for her recognition in dealing with the agricultural policy framework that was initiated by the federal government. That the minister recognized the unique needs of Ontario and the unique needs of the grains and oilseeds sector in this province. She ensured that the provincial 40% share was flowing through the market revenue program, and that's good. But, you know, what has happened is, a lot of farmers have received those cheques, those cheques started to come in the mail this week, and they thought, "Well, that's nice that we've received our market revenue cheque," but in the same mail the hydro bill arrived.

That market revenue cheque that's supposed to be there and help lessen the impact of the high American subsidies and the high subsidies that exist from the European Union—they said goodbye to that cheque because of their hydro bills that are spiralling out of control with this government. Many of them, as they're out harvesting their corn right now, their corn dryers are up and running—you know what has happened? Many of them who use gas are now going to have to pay a retroactive bill because this government has allowed the Ontario Energy Board to allow Union Gas to retroactively bill for a mistake they made in the winter of 2000-01. So on one hand you're putting cheques into the farmers' back pockets, but because of your compliance with and support of the Ontario Energy Board, support for what's happening and allowing the rates to skyrocket with hydro, the cheque goes in one pocket and a good chunk of it's coming out of the other to pay the bills. That's a real shame.

Nutrient management is another section where you've let down the agricultural community in this province. We've heard many a comment made that all the recommendations that Justice O'Connor would be dealing with in his reports, parts one and two, would be implemented by this government. We saw the clean water act introduced yesterday, which may implement 50% of them. But we saw recommendations that Justice O'Connor made—as far as providing financial incentives to the agricultural community in order for it to comply with the Nutrient Management Act, we saw this government turn it down.

I had an opportunity to speak to the Bruce Federation of Agriculture last Friday. As I drove from my constituency office in St Thomas and drove north through the Deputy Speaker's riding of Perth county, into Grey county, and a bit into Bruce county, Huron, Wellington, I saw farm after farm that, in order for it to comply, is going to need help from this government. Yet the government turned down that recommendation, and that's

again a shame, that they don't recognize the need to help the farmers to comply with nutrient management.

Bill 187, which we have in front of us today, as we know, is in response to the Supreme Court ruling of December 2001. We know that it's in response to the repeal of the former Bill 91, which was introduced by the NDP government in 1994. The Liberal Party stood up and spoke against that piece of legislation in 1994. In 1995, after the election of the Harris government, we saw the introduction of Bill 7 and the repeal of that act. We supported the repeal of the agricultural component of that act, but unfortunately we couldn't support Bill 7 because it had so many hostages in it. This government is so well known for putting hostages in bills.

1530

It leads us to the piece of legislation we have in front of us today, the response to the Supreme Court ruling we have with Bill 187. My concern with this bill is that this government is going to lead us back into court again. We've spent goodness knows how many dollars in defending the repeal of Bill 7 all the way to the Supreme Court. This legislation does mirror the Supreme Court ruling, but I'm very concerned that we are going to be back in court again and you are going to cause undue hardship, an additional hardship, on the taxpayers of this province with this piece of legislation in front of us.

I recognize that we do need to see the uniqueness of the agricultural industry, need to recognize that the agricultural industry has changed in this province. We're still waiting for the minister to define what the family farm is. We're still waiting for the minister to define an industrial agricultural operation or an intensive livestock operation or a factory farm. What is that? I think it's incumbent on the minister to explain to every one of us what those definitions mean. They haven't been adequately defined by this minister.

But farming and agriculture have changed in this province. This past Saturday I had an opportunity to be at Walker Farms, located in the eastern part of my riding. The Walkers have a family farm, but the Walkers milk 600 cows a day, with four employees. Agriculture has changed. And we cannot in any way allow anything to get in the way of that operation. There cannot be in any way any work stoppage in trying to milk those 600 cows. From that standpoint, the intent of this legislation is in the right direction.

But the face of agriculture has changed in other ways as well. We are seeing more and more farms that have gone beyond traditionally growing a product, producing a product and putting it on to the truck and shipping it off. That has changed. Some farms have gone from the field almost to the fork, to full production. Some of those changes that have occurred in the agricultural industry we need to have a look at. Those changes aren't addressed in this legislation in front of us here.

It's because those changes have occurred and haven't been addressed in this legislation that we are going to end up back in court again. I think if the government was intent on ensuring that it developed a piece of legislation

that met the needs of agriculture in this province, it would have looked at all the issues and it would have talked to all the players, but they haven't done that. In responding to the Supreme Court ruling, this legislation, in my mind, is going to get us back into court again.

What's sad about this legislation—and we haven't heard the discussion on it yet—is the fact that we are dealing with a time allocation motion that is stifling debate among the 103 of us in this Legislature but we've yet to hear a commitment from the Minister of Agriculture to public hearings to allow other individuals from across this province an opportunity to have their say in this bill. We're getting our say with this bill in this Legislature, but there are a lot of individuals out there who aren't getting a say, be they in favour of the legislation or against the legislation. It's incumbent on us. We owe it to the public to allow for that opportunity for public hearings. We've yet to hear that commitment made from the government that we're going to have public hearings. Listen to that time allocation motion. It doesn't sound like we are going to have public hearings. It doesn't sound like there's going to be an opportunity for any amendments. This government is going to ram this bill through, plain and simple. That's what they're going to do. I think it's a shame that we're not giving everybody out there that opportunity for public hearings.

A number of issues are thrown into the mix as—I wouldn't call them red herrings, but I would call them issues that are maybe beyond the scope of agriculture in Ontario. One issue we've heard about and hear about regularly—my riding depends on them—is migrant workers. We know, for example, that there are close to 100,000 individuals associated with the agri-food business in this province. But one of the things a lot of people probably don't know is the vital role migrant workers play in agriculture in Ontario. Close to 20,000 individuals come to Ontario from all parts of the world to work in the agriculture industry. They may be here to help with the tobacco harvest or they may be here to help with the fruit harvest. A huge number of migrant workers come to this province. But migrant workers are covered under federal legislation.

We can slough it off and say, "Oh, migrant workers are a federal issue," but I think it's incumbent on the provincial Minister of Agriculture to make sure she's sitting down at the table with the federal government to ensure that those individuals coming into this province are fully protected, because they contribute to the Ontario economy. Individuals I've met over the years who have come to Ontario from Jamaica have been coming to this province for 15 and 20 years, and now we're starting to see the second generation come. They're an important part of the economy, because these individuals buy food and many goods and services while they're here in this province. Many of those goods are taken back to their country of origin to help their families out. But while they're here, we need to make sure that we're not sloughing them off as a federal issue, that there is a role for the province to play, to work with the federal government in ensuring that the rights of migrant workers are

protected in Ontario. I urge the minister to enter into those discussions, to work with the federal government and the agricultural community to ensure that we're meeting the needs of those individuals who are coming to this province.

Another area that is not addressed in this legislation is the whole question of workplace health and safety. I commend the Farm Safety Association of Ontario for what they have done. With the limited resources that have been made available to them—I believe for the first time ever, the province a year ago finally granted them \$90,000 for their work.

I think we need to hear more from the Minister of Agriculture about how she's going to support health and safety in the workplace in this province and educate those individuals, be they on the family farm or working in larger, industrial processing operations. But this legislation is silent on health and safety issues. The government's response is that this legislation is in response to the Supreme Court ruling. But why don't we make this the best piece of legislation we can, not make it a second piece of legislation that only goes so far? Why don't we use this opportunity, if we were granted the opportunity for full debate and public hearings, to strengthen this legislation to truly show the commitment to the agricultural industry in this province, the number two industry? It's an industry, unfortunately—and those of you watching at home right now, if you ate today, thank a farmer. Think about it.

1540

We take food for granted in this country. We take food for granted in this province. We've enjoyed a wonderful, cheap food policy, but who hasn't had a hand in it all is the farmer. As you move the product up the chain, everybody seems to make more and more money out of it until the time it gets to the retail market, but the farmer has been left behind. We know the challenges that farmers are facing with food safety, with nutrient management and with pesticide use. More and more costs are being put on the backs of farmers and they don't have the opportunity to recoup those costs. So I think it's important that the average person in Ontario recognizes the important role agriculture plays in our economy and that we can't take food for granted.

After September 11 we heard a lot about security and protecting our borders and protecting our airports. But do you know what we didn't hear about? Not once did we hear from anybody on that side about protecting our food supply and recognizing that food should be part of a national security system. We depend on food. We need the farmers to earn a good living, but we as individuals need those farmers to remain competitive and remain in production. We need those farmers to be there. We need to recognize that we live in one of the most bountiful provinces in the world. There are countries that are envious of what we produce in this province. We need to do everything we can to protect the agricultural industry, and we can't continue to take the farmer for granted.

We've got a lot of work to do in educating the public. I know there are individuals out there who are trying to

do a better job at educating children in the classroom as to where food comes from so that, hopefully, they then will have a better understanding of the food production system. I know in rural schools they're trying to work toward educating students in dealing with farm safety issues so that they'll have a better understanding of what it's like living on a farm.

I don't come from an agricultural background but I've had the opportunity, representing a rural riding, to see a farm and to see not only the challenges a farmer faces but the wide variety of risks that exist on a farm. We need to do more to help the farmer in dealing with health and safety issues and we need to do more in strengthening legislation. This legislation is a start but there is a great deal more to do.

We're losing, though, the opportunity for that good, healthy debate in this place, because again and again we see these time allocation motions introduced. It is a sad day for democracy in this province to see good debate being shut down. Why this government is so intent on time allocation motions, I don't know. We heard about an aggressive agenda for this government in the fall. We haven't seen that aggressive agenda.

With this bill we are going to end up back in court again; there's no doubt about it. I think that's where the Minister of Agriculture has let the taxpayers of Ontario down and let the agricultural community down. This should have been a piece of legislation that not only recognized the order of the Supreme Court but recognized the changes that have taken place in agriculture and recognized that there are other issues facing agriculture out there right now. This piece of legislation didn't do that and it should have done that.

But we're not going to have that opportunity for amendments. We're not going to have the opportunity for public hearings. It's non-existent. I think that's a real failure on the part of the government, because I think the goal of every one of us here is to protect the agricultural industry. I don't think there is anybody who doesn't recognize that this is an industry that is unique and that is facing unprecedented challenges right now, be they from the Americans or the European Union. It's facing challenges from climate. That's one thing we as politicians can't do anything about. But it's also facing the challenge of just the very survival as the face of agriculture changes. I think it's incumbent on every one of us, be we urban or rural politicians, to do everything we can to strengthen and support this industry. We do require that we protect the industry. It is a start.

Mr Beaubien: Vote for the bill.

Mr Peters: I heard some heckling just now about voting for the bill. We have said all along that we will be supporting this bill. We spoke against the NDP bill, we supported the repeal of the NDP bill and we will be supporting this bill. But we could be going further, and that's where this government has failed. They haven't recognized how this industry has changed, and it has changed. We need to ensure that as an industry evolves and changes, we do everything in our power to support that industry and keep that industry competitive. To date

we haven't seen that in this piece of legislation that's in front of us.

There are so many issues facing agriculture today. I think it's incumbent on the minister to stand up and—

Interjection.

Mr Peters: My apologies, Mr Speaker. We're just gearing up some timing. I'm going to be relinquishing the floor to my colleague from Sarnia-Lambton.

I think it's important to recognize that she's an urban politician. Food affects us all. Agriculture affects us all. We need to support this industry. We need to recognize that this is an industry that's different. This is an industry that can't afford to have work stoppages put in front of it. We are dealing with a perishable commodity.

In closing, we will be supporting this bill. But I'm very sorry that we haven't heard a direct commitment, and maybe we will from a government member, that this bill is going to go out for public hearings so that we give everybody an opportunity to have some say and some input into this most important piece of legislation.

The Deputy Speaker: We will proceed clockwise.

Mr Michael Prue (Beaches-East York): I will be sharing my time with my colleagues, who are not here at the moment but will be arriving shortly.

We are debating this here bill today because the Supreme Court of Canada said that the government opposite did the wrong thing back in 1995. You took a piece of legislation which was working in the province, you threw it out and brought in your own piece of legislation, which is unconstitutional. We are here today and you are attempting to make constitutionally correct a piece of legislation which the courts have already rejected.

We are going around in a circle today because, I am absolutely convinced, as was the previous speaker, when this goes back to the Supreme Court of Canada, as it surely will, the Supreme Court will again reject what you are doing, because what you are doing is fettering the rights of citizens of this country to belong to an association, an association that could be a union, an association with teeth that can benefit them, that can speak for them, that can protect them, that can bargain for them.

1550

This is nothing but a bill that says they can talk to each other. Well, everyone can talk to everyone. This is a bill that says they can talk to their employer, but their employer doesn't have to do anything. This is a bill that says they can write down a grievance, but the grievance does not need to be answered.

This bill, let us be very clear, is not about farmers; it is not about farming; it is a bill, as you have so carefully written, about agricultural workers. But it is a bill—it is misnamed an Agricultural Employees Protection Act—that does not protect the people who work on the farms and in the agri-business of this province.

There is no right of collective bargaining. There is no right to strike. There is no right to even form a union and have arbitration; that is, no right to strike but a right to sit down with an arbitrator who will be fair to both sides. There is no right to do that. We have to remember, that's

all the NDP bill, back from 1994, did. It offered the right to collectively bargain with arbitration, without the right to strike. No one is suggesting, not even the members of the NDP, that this be included in the bill, because crops can spoil in the field, because we need to protect the food source. But we believe that all workers, most especially those on farms, deserve the right to collectively bargain and to have arbitration for fair wages and fair conditions of work.

This bill does not allow for a certified bargaining agent, so if you're not happy with the little association of eight or 10 guys who work on a farm, you can't go out and find someone else, because you don't have a certified bargaining agent.

If there is a grievance, if there is something that's going wrong, you are not heard before the Labour Relations Board like every other worker in Ontario. You instead go before the Agriculture, Food and Rural Affairs Appeal Tribunal, which absolutely has never had any jurisdiction, has no case law, has no people trained to deal with workers.

Last but not least, section 17 of the Labour Relations Act does not apply to these workers. I am totally convinced: go ahead and pass the bill. I know the members opposite will stand up one after another and pass this bill. But make no bones about it: this will end up back before the Supreme Court of Canada again, and the next time the Supreme Court will impose upon this Legislature what should be done in the first place, and that is the right of every person in this country to belong to an association, including a union, and the right of those people to bargain on their own behalf. I look forward to the Supreme Court doing what this Legislature should do.

I heard the members, yesterday and today, from the Liberal Party speak about this bill. They talk about the family farm and the farmers and they waffle a little bit, talking about how the government opposite isn't making a clear distinction between agri-business and the little ma-and-pa farm. Clearly, with the greatest of respect to the farmers of this province, the era of small, tiny little farms is fast coming to an end. Whether we like it or not, agri-business and large farms are the order of the day.

The era when you could bring in a couple of guys at harvest time to help you bring in the crops or pick the apples in the orchard, off the fields, for a few weeks in September has long since passed. The agri-business of today has hundreds and hundreds of workers. The places have hundreds and hundreds of workers who would do everything from picking mushrooms to the huge expanse down around Leamington—

Mr Dave Levac (Brant): The little ones are still out there, Mike.

Mr Prue: Pardon?

Mr Levac: The little ones are still out there.

Mr Prue: There are some little ones. I never said they're not there, but they are disappearing. They are slowly but surely coming down in numbers. It's a reality, whether we like it or not.

There's a whole romantic nostalgia about this, about the family farm and the independence of the farmer,

which I think we should try to preserve, but we also have to understand the economic reality of it. The economic reality is that there are fewer numbers of those people every year. Their own children do not want to stay in that kind of business. Those who are successful get large or they fail, and that's the reality.

But this is not about the farmers, and I want to go back to that again; it's about those who work for the farmers, those who eke out their living for hire, those who go to the small farms, the large farms, the agri-businesses, and work for a salary. They do not work for anything except a salary. They are usually paid the minimum wage to come into the fields, to come under the tents on the farms, to the tobacco farms, and to work in places where you grow mushrooms.

All across the entire length and breadth of this country and this province people have the right to unionize, to organize. People have the right, through arbitration or through the right to strike, to collectively bargain. One can go into the mills, the mines, the factories, the stores, the sweatshops, the schools, the universities, the forests, the civil service, the fisheries or anywhere else people earn their living in this country and find that they have the right to organize, given by this Legislature and by the government of Canada.

The only group that does not have this right are those who make their living on the farms. This government is bound and determined that those people, the most vulnerable perhaps among all the people of this country, will never have the right to do anything except work in sub-servient conditions, will never have the right to protect themselves, their children or their families, and will be subject, I suppose, to all the problems of workplace health and safety.

We know from the statistics in this country that farming is one of the most dangerous jobs there is. In the eight years from 1990 to 1998, for which there are statistics across this country, clearly 1,049 people lost their lives. Thousands were maimed and injured. Yet it is being said they have no right to take that matter into their direct control and bargain for safety.

The Canadian experience on this surely should teach us all something. More than a century ago, Sir John A. Macdonald stood up and did something that shocked many people in Canada. He gave workers the right to organize and the right to strike. Had he not done so, they probably would have done it anyway, but he gave those people the right to collectively bargain and it was enshrined in Canadian law more than a century ago.

There were already unions in existence at that time, but he did something as a Conservative I wish there were a few more of today. He had a social conscience. He understood that people needed to be protected from the excesses of employers, that they needed to have a right to improve the working conditions and the pay they got from the work they did. He did a remarkable thing, and that was a century ago. Members opposite do not recognize, for farm workers anyway, that that same right should be extended today to the last remaining group who do not have any rights at all.

The Canadian experience—I would like the Liberals to listen to this little part—goes back to the civil service of Canada, which up until 1965 had no rights to collectively bargain, but Lester Pearson thought that workers in this country who worked for governments should have rights too, that they should have the right to determine what their pay is or at least to argue about it, that they should have the right to protect themselves in the workplace in terms of health and safety risks.

In 1965 and 1966, Lester Pearson did a pretty gutsy thing. He extended the right to collectively bargain to all civil servants in this country. That right was extended here in Ontario by both Conservative and Liberal governments, which allowed teachers and civil servants to collectively bargain.

1600

Our experience in all this, although painful at times, has shown it works. From time to time there are work stoppages, but for the majority of times things are resolved amicably. You can ask anyone who works in those fields who was not previously protected. The working conditions have improved. There are fewer deaths; there are fewer people losing an arm or a leg; there are fewer people suffering from chemical hazards; and there are people today who work in unionized shops who make more money than they previously did. The corporations and the businesses did not simply die.

The right to collectively bargain and/or arbitration was given to federal civil servants and to our own employees of this Legislature in the province of Ontario a long time ago. They have the right to strike and they would exercise it from time to time. The concept is essential to all workers.

I would ask all the members, but especially the Liberal ones, to remember your roots and to remember that workers need to be protected. Not only do farmers need to be protected, but workers need to be protected as well, especially workers who work in factory farms, in places like the mushroom plant that was the only one unionized under the former legislation, where they worked 24 hours a day inside a factory with manure—how mushrooms are grown—and in the dark. That was the only group that attempted at all to organize.

What we have for every other worker in our society we should give to the most vulnerable, and those are the ones who work on the farms of this province. If we are going to deny it to the poorest among us, then there has to be a better reason than the one enunciated by either of the other two parties.

Others have talked about migrant farm workers. I think, alone among all the people here, I have had a unique perspective in dealing with those men, and in the days I dealt with them it was only men. Farm workers started to come to this country some 30 years ago. They started to come in large numbers as Canadians and Ontarians became less and less enchanted with the mind-numbing and back-breaking work of the fields. They started to come here to harvest tobacco and to work on the farms and to pick the fruit. They came at first mostly from Jamaica, later from other places in the Caribbean, a

few from South America, and more recently a lot from Mexico.

If you've ever met any of these people, as I did when I worked in the immigration department for some 20 years, you would know they have several things in common: they are all poor. They were coming here to make the minimum wage so they could send something home to their families, because no matter how bad the conditions were here, at least they were getting some money to send home, where in the places they came from the poverty was absolutely endemic. It was better to have a job than no job at all, and they would come here. They would put up with abuses that would startle you, that would startle the members of this House. Not only did they get paid the minimum wage, but also they were sometimes treated abysmally by their employer and had absolutely, totally no redress except to run away.

As an employee of the immigration department, it was my job on occasion to try to catch them because they had run away from their workplace and therefore were in violation of the work permit and the immigration rules, but also later to try to deport them for the heinous crime of running away from someplace many of you would know was absolute and total servitude. It wasn't servitude for life, but it was servitude for the life of the contract, the work permit, they had.

They lived in horrendous conditions. They were bunked sometimes 15 to 20 people in a small room. They had to pay for this. When they were a few minutes late for work in the morning, they were docked. They were worked sometimes 12 to 15 hours a day without break, without water in the fields, in the heat. They had to put up with that because if they complained, the employer would say they would call the immigration department, send them home, and they would never get another job there again, which was absolutely true.

They couldn't do a single thing about it. If they said anything, the employer would not listen. Everything fell on deaf ears. They had no representation. Not much has changed at all in those 25 years since I stopped doing this. The conditions may be a little bit better, but not much.

I would ask the members opposite and the members from the Liberal party who intend to vote for this bill to go out and see some of these migrant farm workers, these poor people who come because they have nothing else, because this is the only chance they have to get some money for their families.

Ms Caroline Di Cocco (Sarnia-Lambton): This is a first step.

Mr Prue: This is not a first step. This is continuing servitude for those very people who have no right to organize and no right to complain. I will tell you, go out and see the conditions and you will know why many of them ran away in the old days and why many of them do not live out the contract even to this day. It is because the conditions are that horrible that their only option is to leave. And when they are found working in a factory or someplace in a city, usually for the same low wages, they will at least tell you that the conditions are better. They

do not have to put up with what they have to put up with today.

In California, all those years ago, the United Farm Workers of America went out and organized the migrant farm workers of that state and that country. I don't know whether you all remember the horrendous conditions in which they worked, but those horrendous conditions are some of the same horrendous conditions that the workers work in here. You have problems of workers being sprayed with poisonous chemicals while they are in the fields. You have people losing their lives. You have people losing limbs. You have children who do not have schools to go to. You have people living in unsanitary conditions who might suffer from tuberculosis. All of those things exist. But they are not going to be given the right to do anything or say anything that will allow that to go to grievance, to the Ontario Labour Relations Board or anywhere else.

The Supreme Court was absolutely right when they said that the workers in agriculture are not terribly different than the workers in the mills, the mines, the factories, the sweatshops or anywhere else that people are allowed to have freedom of association. If this government is intent, with Liberal support, to pass this bill today or tomorrow or whenever it happens, if you are intent on doing so, then I can only hope, with the greatest of hope possible, to stand here and not only vote against it but to ask that it immediately be sent back to the Supreme Court. I am confident that the Supreme Court in its wisdom will come to exactly the same conclusion they did before, that you are attempting to fetter the rights of people in this country who indeed have the same rights as everyone else—the right to security, the right to collectively bargain, the right to look after themselves and their families—and that this bill is nothing but a sham being put forward by this government in an attempt to circumvent what the highest court in this land has said.

I think I have said enough. I'm going to leave the rest to my colleagues, but I would like to say I will consider it a privilege and an honour to vote against this bill when it finally comes through.

Mr Beaubien: It's a pleasure to rise in the House today to speak on the time allocation on Bill 187, An Act to protect the rights of agricultural employees.

There has been some discussion by the members from Elgin-Middlesex-London and Beaches-East York, but first of all, for the record, I would like to put what the purpose of the bill is all about. "The purpose of this act is to protect the rights of agricultural employees while having regard to the unique characteristics of agriculture, including, but not limited to, its seasonal nature, its sensitivity to time and climate, the perishability of agricultural products and the need to protect animal and plant life."

Having said that, it also protects the rights of the employee. It says under subsection 1(2):

"1. The right to form or join an employees' association.

"2. The right to participate in the lawful activities of an association.

"3. The right to assemble.

"4. The right to make representations to their employers, through an employees' association, respecting the terms and conditions of their employment.

"5. The right to protection against interference, coercion and discrimination in the exercise of their rights."

1610

I think the purpose of the bill is fairly clear. I've heard some of the comments from across the floor stating that again it's an attack by this government on the employees' rights. Representing a rural area, I realize—and I agree with the comments made by the member from Elgin-Middlesex when he said that there are many challenges faced by the farming community, whether it's through the global markets with the Americans and the South Americans. However, I think we have to look at climate changes, the dryness of the weather we've experienced this summer, sometimes the insects they may encounter. We also have to realize that planting time is a very sensitive time for farmers. The weather conditions must be perfect. It's difficult enough for the farming community to make sure that the crops get in at the proper time without having any labour disruption. What this bill does is make sure that our food supply, not only for rural Ontario but for urbanites, will be guaranteed. As I said, there are many challenges, through climate changes, the wet weather and things like this.

Let's look at harvesting time also. Many farmers have harvested their crop already; some are still doing it. If there were to be a disruption today—I'm sure the member from Beaches-East York never mentioned the cost of food in Ontario. I think he did mention the fact that there was a plentiful supply of food, but our food in Ontario is very cheap. I think we're very fortunate to have a plentiful, very affordable source of food. Basically, this bill helps to make sure that we will continue to have a reliable, affordable source of food.

The member from Elgin-Middlesex-London pointed out that this government likes to put roadblocks in front of the agricultural community. I strongly disagree with that. The purpose of this bill is to remove roadblocks in the agricultural community. By having a reliable source of labour that will plant and harvest the crops in a timely manner, when the weather allows it, it allows us to provide an affordable, reliable source of food to the residents of Ontario—not just the rural community but the urbanites.

The member from Elgin-Middlesex-London also mentioned that we are the most bountiful province when it comes to growing agricultural products, and I would certainly agree with that. You mentioned the challenges farmers face and the risks the farming community takes. There is no doubt that no one can disagree with that. There are challenges faced by the farming community on a daily basis. Especially today, when we look at the intensity of the capital investment they must put into their farm, into their equipment, it is a challenge, and there's no doubt some are struggling. Some have struggled in the

past and probably some will continue to struggle in the future. However, I think as a government we have a responsibility to make sure that instead of putting roadblocks in front of the agricultural community, we remove roadblocks.

The member from Beaches-East York touched on a very legitimate point when he talked about the small farms disappearing. I agree with him. I think that is a challenge that the farming community has faced, is facing and will continue to face. I know it's very difficult today to define what a family farm is. I think a number of years ago you could probably describe the family farm as a mom-and-pop type of operation, with 50 to 200 acres, a couple of cows, a few pigs, a few chickens and maybe 15 acres of corn. But today I know in my own riding of Lambton-Kent-Middlesex there are family farms that are very, very successful. Some of them are incorporated, some are not, but they farm anywhere from 1,000 to 4,000 acres. It is a business. There's no doubt that the member from Beaches-East York is quite right in saying that the small farmers are becoming a thing of the past and there is a trend toward the larger farms today in order to economically survive the challenges they are facing on the farm.

I look at constituents like Jack and Chris Greydanus in my riding. They're a couple of young people who came into the area, I would say 10 to 12 years ago, and decided to get into the chicken business. I look at what this young couple has done in the past 10, 12 years. Not only have they grown their business but they've grown it in a very efficient and businesslike manner. I think this young couple realized the merits that the agricultural lifestyle could provide to them, but they also realized that there was a tremendous financial investment they had to make. Consequently, they realized that in order to survive and be competitive in the future, they had to run it like a business, and that's exactly what they are doing today. I certainly have nothing but the greatest of admiration for what they have done on their farm. I think that now their son is also involved in the farming industry. They must have made one good impression on the family for the son to continue the chicken operation custom in the Greydanus family.

We can talk about the rights of employees, but the issue of freedom of association is guaranteed under the Charter of Rights, and this bill will not impact on this at all. This bill would extend legislative protections to agricultural workers to ensure that their rights to form and join associations can be exercised in a meaningful way. There's nothing wrong, I think, with belonging to a union or an association. However, when we look at the challenges the farming community is facing, it is imperative that we remove the roadblocks to make sure their planting and harvesting is done in a timely manner, to make sure we have a plentiful and affordable supply of food.

Before we introduced this proposed legislation, we also talked to the people it would affect the most: namely, members of the agriculture community and representatives of organized labour. We've certainly

heard different opinions from different people in different areas, but I think overall most of the people we had consultations with were quite supportive of the bill. They realized that there has to be some balance between employees' rights and the employers' rights to grow crops in a timely manner. I would like to stress here that it is also important that all agricultural employees be treated in a very consistent manner.

I agreed with the member for Beaches-East York when he said that some employees, especially itinerant workers, have been treated in an abysmal manner in the past. I'm sure that has occurred in the past, it probably occurs today and it probably will continue to occur in the future. However, we do have legislation in place to protect these individuals. I am sure he's not suggesting that by making sure we have legislation in place that would allow employees to go on strike during harvesting and planting, employees would not be treated unfairly. I think if we look in the workplace today, if we make a comparison, even though there are some locations or some industries that are unionized, I would suggest that we probably could take some examples whereby some employees are not treated fairly. I don't think it's a matter of associations or unions. Sometimes we do have some employers who are not fair to their employees, whether you're unionized or not.

With this, Mr Speaker, I speak very strongly in favour of this bill and I would certainly suggest that all members of the House support this bill for the common good of all Ontarians.

1620

Ms Di Cocco: It's a pleasure to rise and to speak to Bill 187, the Agricultural Employees Protection Act.

This bill attempts to meet the Supreme Court of Canada ruling that the exclusion of agricultural workers from the Labour Relations Act is unconstitutional. Basically what this bill does is, it tries to satisfy that ruling, because in 1995 the provincial Conservatives repealed the Agricultural Labour Relations Act, and it was removed. The Supreme Court of Canada found that this was unconstitutional.

I was reading some sections of the act, and it deals with the right of employees' associations to make representation to employers. "Section 6 of the bill provides that an employees' association shall not act in a manner that is arbitrary, discriminatory or in bad faith in representing its members. "Section 7 of the bill authorizes the Agriculture, Food and Rural Affairs Appeal Tribunal to make an order, in specified circumstances, allowing access to property for purposes of attempting to persuade employees to join an employees' association." There is also section 8, which prohibits interference by employers with employees' associations.

The reason it's important that the Liberals are going to support this bill is because this is at least a first step in rectifying the ruling that was overturned by the Supreme Court of Canada. I believe it's incumbent upon us to speak to bills that we believe are not eroding, in my view, the rights of farm employees. If it were eroding the right

to associate, then we would be voting against this bill. It doesn't do that. It is actually a bill that is, as I said, a first step.

What we need to do is to take a look at something else, though, and that is that there are large employers that have indoor operations for growing, harvesting, processing and packaging, and they work on a year-round basis. I believe we have to take a look at those sections of the agricultural community as large employers and take it one step further and say, "Do you know what? There is this right to organize." We must handle this in a way that these employees—it's like any other large operation.

I believe that in this day and age we have to look at legislation and be able to put together legislation with all of the parties at the table, not just one side or another side. We have to have the labour representatives—

Mr Tony Martin (Sault Ste Marie): On a point of order, Mr Speaker: The member is making a very important speech here. I was just wondering if there is quorum present to hear it.

The Deputy Speaker: Could you check and see if there is quorum present, please.

Clerk Assistant (Ms Deborah Deller): A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Deputy Speaker: The Chair recognizes the member for Sarnia-Lambton.

Ms Di Cocco: I want to say that the Ontario Liberals support this bill because it's a step in the right direction and it allows workers to form associations in keeping with our fundamental values. We certainly hope the government has had all their legal beagles deal with the issue, whether—and we suggest we're also trying to support the decision of the Supreme Court of Canada.

But when we form a government, we're going to go further. I believe that legislation must protect the family farms that constitute the vast majority of farms in the province, while recognizing—and I said this a few minutes ago—the right to organize for workers who are employed by large, industry-sized operations. It's important that we take the next step.

Before we called for a quorum I was talking about the need to do things a little bit differently and not just make arbitrary decisions about how legislation should come down from the top. It's time we sat down with all the various, if you want to call them even contrasting, opinions and actually came to a good agreement on how to satisfy the needs of the various groups that are there.

I would say that this bill is a first step. The government has had a reputation that really has eroded workers' rights in this province. They had to bring this bill forward because the Supreme Court of Canada said, "Do you know what? What you did in 1995 was unconstitutional." How do you vote against a bill that at least begins the process and says, "You're allowed to associate now"?

The government claims this bill is constitutional and meets all the requirements of the December 2001 Supreme Court decision. We know the government has

consulted with farmers across the province and they had input into this bill, which is another reason we support it.

The food industry is very different from any other industry. One of the things that is important is that work stoppages in agricultural operations on a farm would be devastating to how we would be able to keep our food supply, because of course food has a very short time that it can stay in the field or on the shelf. It is our intent, although we believe in the right to organize for workers who are employed by large employers, not to allow work stoppages on any farm of any size. Why? Because in agricultural operations with a significant year-round, full-time employment base, where organization and collective bargaining should be allowed, disputes will be sent to mediation and, if required, binding arbitration.

Our definitions of "family farm" and "large industrial farms" are going to be based on the size of employment base and other factors, such as whether there is in addition processing, packaging etc on the site. By way of example, it is clear that a family farm with three or four regular employees and additional seasonal labour employed as required will be covered only by the right to associate. We believe there definitely has to be a different section when it comes to very small family farms. It would be very onerous to a small family farm. On the other hand, when you have large indoor operations that process year-round and work on a year-round basis, the workers should have all those rights to organize.

1630

One of the components that makes our economy strong is the fact that you are able to have the workers, the employees, and the employers work together. You have to treat your employees with dignity. They have a right to a good wage to support their families. It also provides a sense of security to the employees, and benefits so they can deal with hardships when there are illnesses or work stoppages etc.

I believe it is the right of workers in this province to earn a decent living. We constantly look at the profits of large companies based on how they can cut the wages of their workers. I know first hand that a good business that pays its employees well is going to do well, because you need both to be successful. You need highly skilled, good people to whom you pay a decent wage, who like to get up in the morning and go to work, and who will make your business successful. I know that first hand.

Organized labour has done a great job in attaining a decent wage for workers in this province. It has done a great job in being able to obtain a sense of security, to have benefits and to bargain successfully, which requires a great deal of skill, with large employers in this province.

I believe they have also done a great deal in advancing safety in the workplace. Sometimes it's not in the interest of employers. Sometimes it's too easy for some employers to cut corners, because they see they can make more money by cutting corners. Sometimes we have to have a check and balance in that regard, and that check and balance has come, I believe, in great part from organized labour. It is organized labour that said, "You

know what? We're not going to put up with these conditions any more."

People who work at very precarious job sites should be provided with the knowledge and all the safety measures that are required. One of the things I am really proud of in my community of Sarnia-Lambton is that there has been ongoing co-operation between employers and organized workers in the community. We have been able to create what has been deemed the safest workplace in the country. Everyone knows how important it is that every single person who goes on a job site—it doesn't matter what job site—is conscious of and understands all of the safety responsibilities that both employers and employees have to deal with.

As we move forward with this legislation, as I said—I'll repeat myself one more time—the Liberals will be supporting this bill because this bill attempts to meet the Supreme Court of Canada ruling. We believe it is at least a first step. We will go further when we form the government. Large-scale agricultural operations must organize because they work year-round. They have the same type of environment as a large manufacturing company would have.

It's unfortunate we have to constantly go back and forth because, as I said, the provincial Conservatives repealed the Agricultural Labour Relations Act. In 2001 the Supreme Court of Canada said it was unconstitutional, and therefore we now have this bill before us.

Mr Gilles Bisson (Timmins-James Bay): I'm pleased yet again to have an opportunity to speak to this bill and to make it very clear at the outset that we do not support this bill. We think it is the wrong thing to do. We think what the government is doing is, in the end, not only wrong from a moral perspective but from a legal perspective. I predict that they're going to end up before the Supreme Court again and that the Supreme Court is going to say, "You got it wrong."

For the benefit of those people here in the assembly who may not understand this bill in detail, let me tell you exactly what we're doing here today.

Back in 1993 or 1994—I forget the exact date—the NDP government under Bob Rae gave agricultural workers in Ontario the right to join a union. That means they have the right to bargain, they have the right to get a collective agreement once they have bargained, and they have the right to strike should they not be able to get a collective agreement.

In our legislation, we said that during the harvest season there would be a moratorium on strikes and there would be a binding arbitration process so that if there was a dispute in negotiations and it happened to be at the time we were trying to get the crops out of the fields, there would be a mechanism to allow negotiations to proceed at the same time the crops were coming in from the fields. That was what we did as New Democrats. We said that agricultural workers, like other workers in Ontario, have a right to organize, and we recognized that by passing a bill in this Legislature.

One of the first things the Conservative government did under Mike Harris after being elected in 1995 was to

repeal that act and take away from workers the long-fought-for right to organize in the agricultural industry. They said that the bill we passed when we were in government was terrible, that we would be striking the family farms and that all the kids who worked for family farms would go to dad and say, "I want to join a union because, Dad, you're being unfair."

It turned out that in the time the legislation was there, not one family farm was organized, as we predicted. In fact, what was being organized were the larger agri-corp farms that are basically large businesses that employ a lot of people, not only to pick the crops out of the fields but to do some of the processing. The government came in and said, "That's it. It's gone." They got rid of the legislation.

Subsequent to that, the union, along with an individual who was affected by the repeal of the legislation, appealed and went before the Supreme Court, which said, "Province of Ontario, you are contravening the Constitution of Canada and the Charter of Rights by taking away a right that has been given to these workers." As people in Ontario, once you are given a right, the argument is that you can't treat people as different classes of people. What you are doing is basically that. It's a long, legal argument that I'm not going to get into because I haven't got time. Needless to say, the Supreme Court said, "You are wrong. You can't take this right away. You have to go back and do it over again."

The government, to be friendly to the family farm, as they like to be seen, said, "We're going to give workers the right to join an association. By giving them the right to join an association"—as the government puts it—"it will satisfy the appeal that went to the Supreme Court and all will be well in the world of Ontario."

I tell you it won't be because, at the end of the day, I predict we're going to end up back before the courts. Workers still don't have the right they've been told they should have by the Supreme Court, and that is the right to join a union.

Let's take a look at what you're trying to do by way of the association. The government says, and the Liberals say, this is going to be good legislation because it strikes a balance and allows people to negotiate by way of an association. What does it really do? It says in the act that you have the right to join an association. Once you've joined that association, you have a right to make representation to your employer and the employer must read your proposal, and that's about it.

1640

Let me see how this is going to work. I'm an agricultural worker. I want to join a union. I can't; I have to join an association. I join the association, and 20 or 200 of us get together and say, "We want to stop working for \$6.85 an hour, and we want some health and safety rights. Who's going to go and bargain with the employer?"

"Not me. I don't want him to know who I am, because I'm not protected under the Ontario Labour Relations Act." Reprisals are possible under this act, the way it's being set up.

But somebody bold enough says, "I'll go and negotiate with the employer." He takes the list of demands to the employer and says, "Mr Employer, Ernie Eves says I've got the right to join an association. I'm here on behalf of the people I represent to say I've got some grievances, and I want these issues dealt with."

The guy says, "Give me the piece of paper," and crumples it up. "Thank you. Nice talking to you. Get back to the field." And the requirement of the legislation has been fulfilled. That's basically what this legislation does.

I say to the government, shame on you for not accepting that workers in Ontario should have the right to unionize. I say to the Liberal Party, shame on you too, because the last time I checked, a democracy is about making sure people have rights and making sure people have an opportunity to have a fair hearing before whatever process or tribunal they are given. I say to both the Liberals and the Conservative Party, shame on you. This is an affront to workers—not only agricultural workers, but all workers in the province.

I thought it interesting that the Liberals argued, "You've got to treat agriculture a little bit different because it's important, and at the end of the day we've got to make sure, because food is such an important part of what we do, that we don't mess that up." Well, we allow doctors to strike. The last time I looked, they're pretty important in our society. If the doctor is on strike and doesn't operate at the time you need an operation, you might die. But we say it's OK; the doctors can join a union called the Ontario Medical Association or form any union they want, and it's a pretty powerful one.

Nurses have the right to join a union and to strike. Imagine, if all the nurses in Ontario were to withhold their services at the same time, what danger that would impose on the people of Ontario. So we think it's OK for unions to organize nurses, but we're not going to allow agricultural workers who are paid \$6.85 an hour to join a union?

Let's look at a few others in the industrial sector; let's look at the private sector. People who operate nuclear plants have the right to organize. The last time I checked, if we've got nuclear workers who don't know what they're doing, they'll light up your lights at Pickering pretty quick. But it's OK for those people to organize, because their jobs aren't important. It doesn't matter if they do them well or not; they'll just blow up half the province if the nuclear reactor goes up. We give them the right to organize, but agricultural workers can't organize? Give your Tory-Liberal heads a shake. All workers in Ontario should have the right, in a democracy, to join a union, and that should be the individual choice of the worker, not ours as legislators.

So to the argument that the Liberals and Tories make that if we give those workers the right to organize, they're going to go out and organize the family farm, if you take a look at the small business sector in the province, most of which is independently owned or family-owned and -operated, how many family-owned businesses in the province have been organized under

UFCW, the Steelworkers, CAW, CUPE or anybody else? I bet you could count them on your hand if they exist. Why? Because families don't go out and organize dad and mom. They work it out at the kitchen table.

Do you think it will be any different on the family farm? Do you think dad and mom, who have three kids who work on the farm, are going to be put in the position of them saying, "Hey, Ma, I'm taking you to the labour relations board. I'm joining a union"? That's not the way it works. There's no danger of the family farm being organized.

So again to the Liberals and Tories, give your heads a shake. The reality is that workers organize for a very simple reason. People sign a union card when there are grievances that are not dealt with by their employer and they feel they are not getting a fair shake, and normally that happens in the larger sector. I'm not saying that small individual businesses never get organized; I wouldn't pretend that. But by and large, independent, family-owned businesses don't get signed up by unions. The last time I checked, sons and daughters want to talk to mom and dad at the Christmas table. They don't want to be in the position of creating conflict. I would say that if mom and dad get organized, then maybe they should get organized. Maybe they weren't treating the kids very well, and if they can't work it out, maybe they should have a team to negotiate for them. What's wrong with that?

So I say to the government across the way, and I say to the Liberal Party that is going to support this legislation, that we will stand proudly and vote against this legislation, because we think that not only is it morally wrong, we also think it is wrong from a legal perspective. In the longer term we will be proven right yet again, because somebody will take you, not the Ontario Labour Relations Board, because they can't go there, back to court, and eventually to the Supreme Court, and a decision will come down that says you don't have the right to take away a right you gave to somebody when it comes to the right to organize.

I say a very simple thing: we either believe in democracy or we don't. If you put yourself out to believe in democracy, it must mean that people should have access to democratic institutions. One of those institutions is unions, and what's wrong with that? As a social democrat and as a New Democrat, I say give the workers the right to join a union. Let them make that determination, and allow them the same ability that anybody else has.

The last point I want to make, because I know my friend Mr Martin wants to speak, is that if we think there isn't a need for unions on some of these larger industrial farms, let's again give our heads a shake. This year alone we have killed—I don't have the briefing note with me, but I think the number is between 20 and 30 workers in the agricultural sector in Ontario in the last 12 months.

People on the other side and in the Liberal Party say that that's not a very serious issue. I say it is a very serious issue. We need to make sure we give workers in those areas, who are in danger from the conditions they work in, the right to organize so they can form health and

safety committees, so their unions can train them as health and safety reps to make the farm as safe as possible.

Is this about organizing the family farm? No. The family farm isn't going to get organized under our legislation. It wasn't organized under our legislation. Some of the larger ones need to be organized. But we shouldn't differentiate between a large farm and a small farm. At the end of the day, they're all workers, they all have that right. Let people choose for themselves. That's what democracy is all about. As a New Democrat, I'm on the side of democracy.

Mr Ernie Hardeman (Oxford): I'm pleased to rise today to speak in support of the time allocation motion on Bill 187, the Agricultural Employees Protection Act.

We have heard from members across the aisle concerning time allocation and the fact that we use time allocation more than was considered to be appropriate in the past. As everyone will know, of course, the time that we debate time allocation is a great opportunity to put on the record one's viewpoints on this piece of legislation. Obviously it's another day of debate on the piece of legislation.

But the opposition will keep pointing out how it is shutting down their opportunity to speak to the bill. I think it's rather interesting that in almost every case, if we check Hansard, we will find the Speaker being asked to rule on points of order as to whether the opposition is speaking to the bill at all. It seems that most of the time they decide to carry on and on about things that have absolutely nothing to do with the bill. I think that's partly because they agree with the bill. They have decided they are not going to let bills pass, that in their opinion the democratic process is served by having nothing happen in this Legislature.

I want to say I'm happy to be a member of a government that believes we should be here doing the people's business, and not obstructing the people's business, as some might suggest. Just to highlight that point, I want to point out that presently there are three bills before this Legislature—one was debated yesterday—the red light bill, the Emergency Readiness Act and the bill that obligates people to pull to the left when emergency vehicles are in the vicinity, approaching or coming from behind.

My understanding is that every member in this Legislature supports those three bills. I may be wrong, and some of the members who are here may wish to take me to task for that. My understanding is that there is unanimous support for those three bills. Yet we have the opposition saying, "We will not pass those bills. We will continue to debate those bills until the government decides it's time to move on to other important legislation." We have to introduce a closure motion to facilitate the passing of a bill that everyone in this Legislature believes is appropriate.

1650

The record will show that in years gone by there were bills that went on at great length in debate. There were also many bills that were passed in 15 minutes because

there was unanimous approval of the bill and all that was in it had been said and it was appropriate then to pass the bill. If that were the way of today, if that were the co-operative spirit from across the aisle, indeed we could spend more time debating bills that are of great importance to the opposition and less time debating bills just for the sake of taking the time of this Legislature. I think much more could be done in moving these things along if we came to a compromise and agreement in supporting those things that are good for the people of Ontario, as opposed to what is good politically to obstruct the process of government.

Having said that, I just want to speak quickly to the actual piece of legislation, the Agricultural Employees Protection Act. We will all be aware that the former government put forward a piece of legislation that was commonly known in my agricultural community as the unionization-of-the-family-farm bill. In 1995, when I went to the people of Oxford to ask for their votes to come and represent them here in the Legislature, one of the promises I made was that as a government we would get rid of that piece of legislation; in fact, that we would not have unionization of the family farm. We know that bill was challenged in the Supreme Court. In fact, the Supreme Court ruled that all people of this province under the Charter of Rights and Freedoms have a right to freedom of association, including farm workers. This, I think, is a very important issue. That's why the Minister of Agriculture and Food brought forward this bill that accommodates the freedom of association of farm workers.

I think one of the things we need to recognize is the process of unionization and collective bargaining. The final premise of collective bargaining, in my view, is based on the fact that the employer has a right to ask the employee not to come to work if they can't come to an agreement, and the employee has a right to withhold their services if through negotiations together they cannot come to an agreement as to what each party believes is the appropriate level of compensation for their services. In most sectors where collective bargaining takes place, we will find that the employer's decision is based on the competitive marketplace. Obviously, if my employees are not working and producing the product I'm going to sell in the marketplace, my competitors are going to be selling it. So there's a tension there on behalf of the employer. Conversely, if the employee decides not to go to work, obviously they're not going to be making a living wage or they're not going to be getting paid. So there's a tension in the system there. Collectively that comes together, and at some point they come to a compromise so both parties can, again, receive remuneration for their services and get back to production.

That doesn't work in agriculture. As the crop is ready to harvest, there's no opportunity for the employer to say, "Oh, guess what? We can negotiate for two or three weeks," because by the time that happens, it's too late to harvest the crop; it's too late to process the meat that's going to market. It is all very time-sensitive and very critical to be going at that time. So we need to find a

better way of making sure that neither party can benefit from or hold hostage the other side in the negotiations.

The opposition would have us believe, "Don't worry, because it will only happen in large operations." But as the member from Elgin-Middlesex-London mentioned, he was unable to define "large" and "small" and "family farm" and "factory farm." With tongue in cheek, I would just say that I've heard it mentioned a time or two that the way to judge the farm that's too large is when one farmer says, "Whoever has one more unit than I have is in fact a large operator," but no one would suggest that they were a large operation. So I think that would point out that there is no way to identify which would be appropriate and which would be inappropriate as far as family or intensive livestock.

I think we've all come to the conclusion that the face of agriculture is changing in Ontario. In fact, we are seeing agriculture done differently today than it was in my forefathers' day. I think it's very important that we address that issue and make sure that the agricultural product can be planted, harvested, taken to market, processed and on the store shelves for us in a timely and appropriate manner.

I know when it comes to poultry, it's very critical that the poultry is exactly the right size to make Chicken McNuggets, to make it appropriate for them to be sold in that manner. If they were raised for that, and if negotiations happened to fall in that period of time, they would not be marketable for that purpose and the intent of that food would be lost. I think it's very important that we find a way to balance labour negotiations and discussions, and the appropriate level of compensation, in a manner that does not affect the flow of food in our society.

I think it's also very important that we address the issue of freedom of association. This bill, I am happy to say, is a balanced piece of legislation that balances the right of the worker with the right of the employer. I have a number of larger agricultural operations in my riding that, without legislation, have done a very good job of putting together associations that speak on behalf of all employees within that workplace, together with the employer, and have come to agreements on what their level of compensation and their working conditions should be. I think it does work, but it's very important to recognize that this legislation does provide for an orderly process to deal with that. Again, I think it's important to recognize that this does allow freedom of association for agricultural workers.

This bill didn't just come out of the air. In fact, the court ruling was some time back. It has taken a while because the minister has had the opportunity or has taken the opportunity to have intensive consultations with all the players: the workers in the agriculture and agri-food industry and the processors in the industry. I think it's very important to recognize the size of our agriculture industry and the importance of it to our economy. Not that we should take away anyone's rights because of the size of the industry they work in, but I think it's very

important to understand that the agri-food industry is a large industry.

There are 67,000 farms in Ontario, and more than 200 commodities are produced. So it's not a simple solution that will deal with everyone. We've heard the members opposite talk about mushrooms. We've heard others talk about intensive livestock. We've heard about the harvesting of field crops, the tender fruit industry, the grape industry. All of them are time-sensitive and all of them are very important in this very large industry in the province.

Also, in processing, there 1,200 food and beverage processors located in Ontario. Almost half of all the food in the Dominion of Canada is processed right here in Ontario. In 2001, Ontario accounted for \$800 million in new investment in the food and beverage sector. Ontario has led all other provinces in Canadian agri-food exports by shipping almost \$7.8 billion in products in 2001.

Agriculture is more than just food. Cloth and textiles begin in the barnyard as wool and in the field as hemp—an experimental crop, incidentally, that's been produced in Oxford county for the last number of years. They are also used in making paper and a variety of industrial products.

Mr Speaker, maybe you had the pleasure of getting a basket from the Ontario corn producers a number of months ago—it was like a grocery basket but there were a number of other items in the basket—to remind us of the importance of corn in our society. As I was going through the basket, there were a number of things that were somewhat surprising to me. One that comes to mind as I stand here this afternoon is that there was a calculator in the basket. In fact, I have it sitting in my constituency office in Woodstock and it has, of course, the name of the Ontario corn producers on it. When I asked Mr Start, a representative of the area in my riding, why this calculator was in the basket, he said, "Because it's made from a by-product of corn." I think that's how extensive the use of our agri-food industry is. It's very important to recognize the importance of agriculture in the system.

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I think it's also very important to recognize that the agriculture community generally is happy with, in the consultation that comes out, the process they presently have in place in negotiating with their people to have fair compensation. There was no great outcry from the agricultural workers or employers as to changes needing to be made, all recognizing that they are all entitled to their constitutional rights.

We also heard that it's very important that all of agriculture be treated fairly and equitably, not to have a certain group in the agricultural community that would be treated differently from another group. Again, as the opposition would suggest, to treat larger operators differently from smaller operators, in the opinion of the people we've talked to in the agricultural industry, is wrong. We have to be fair to everyone.

We also heard that the agricultural industry should not be vulnerable to the risk of potentially devastating labour

disputes. As I mentioned earlier in my presentation, it's very important that as the truckload of sweet corn arrives at the processing plant, the workers don't say, "Thank you, but no thank you. Not this week." That load of corn cannot wait until next week for processing.

When this bill was drafted, we remembered what we heard. The proposed legislation before us today does respect the individual and constitutional rights of agricultural employees while having a regard to the unique characteristics of agriculture. The proposed legislation would enable agricultural employees to—I think this is very important—exercise their right "to form or join an employees' association ... participate in the lawful activities of that association ... to assemble ... make representation to the employers, through their employees' association"—all the things a trade union can do. The proposed legislation would ensure that they could do all this, free from interference, coercion or discrimination.

We should also emphasize that the proposed legislation contains no restrictions on the composition of an employees' association other than that the association be comprised of agricultural employees. Employees' associations could be comprised of agricultural employees from any number of farms, could be organized on any basis that the employees want and could be a branch of another organization, including a branch of a local union. A union or other organization could assist employees in forming an employees' association whether the association was formed as a branch, a local of the union or other organization or as a separate association. Again, recognizing the fallacy of the comments from across the aisle, they can be part of a trade union. They just cannot have the collective bargaining process that trade unions have.

It's also worth noting that while the proposed legislation is not about workplace health safety and is directed at agricultural employees' rights of association, it would enhance the ability of employees and employers to communicate about terms and conditions of employment, including any concerns about workplace health and safety. I think it's very important that that's part of the discussions but not the thrust of the bill. The members opposite would suggest that they would hold up passing of this bill because there's not enough in it. This is a bill to deal with the Supreme Court ruling on the right to freedom of assembly on behalf of our agricultural workers, and this bill deals with that. It will also have some benefits of health and safety, but that's not what the bill was written for.

This bill also allows for some recourse for employees and workers who believe they are not being listened to and that the employer is not dealing appropriately with them and is contravening their rights. Of course, they would be able to appeal the employer's actions to the agriculture, food and rural affairs tribunal, which would hear the application and then make a decision on whether to the employer is infringing on the employees' rights.

The proposed legislation would also protect a farm's most valuable assets—land, livestock and crops—by recognizing an employer's right to control access to the property. In the business community we often see that

when a business has a work stoppage, they will shut down the computers and shut down the operation so they can make sure nothing happens during the work stoppage that would be detrimental in the long term for both the employees and the employer. You can't just shut down a barn full of livestock. It must be maintained. It must be fed and watered, and it must be looked after. This legislation allows the employer or the owner of the operation to make sure that process can continue, even though the people who have a disagreement decide not to come to work. This legislation is quite clear that they cannot stop the normal process of farming.

As I mentioned earlier, the Agriculture, Food and Rural Affairs Appeal Tribunal will hear such things in the application and take into consideration human health and safety, normal agricultural practices, animal health and safety, plant health, planting and harvesting, bio-security needs, privacy and property rights. These are essential considerations to ensure that normal agricultural operations are not unduly interfered with. Again, a two- or three-day delay in the process of farming can have a year's devastating impact on that agricultural operation.

The proposed legislation would protect the rights of Ontario's agricultural employees and would also recognize the unique characteristics of Ontario's agricultural operations. The proposed legislation is carefully and appropriately balanced. I think the important part of this piece of legislation is the balance, recognizing the rights and the charter rights of people who work in the agriculture and agri-food industry and the rights and freedoms that the people operating the agriculture and food industry have, and finding a balance between the two to make sure they can coexist, as they presently do.

I want to tell you that, on average, the labour-management relationship in agriculture, which up until now has not had this type of charter protection for employees, is working as well as any other industry where they have all the other attributes that the New Democrats suppose we should put in place to unionize the family farm. The system is working well now. We want to make sure that by this legislation everyone has the charter rights and freedoms the Supreme Court mentioned put in place and a way to administer it to make sure that if they believe it's not being adhered to, someone is there to hear their complaint and make a judgment on the merits of their appeal.

As I mentioned, I think it's very important that this legislation be passed and moved along to make sure that employees' rights are enshrined in legislation, as we are doing here, and that we have a balanced piece of labour legislation for agricultural workers. I would encourage all members to vote in favour of this piece of legislation to make sure we can accommodate our Supreme Court obligations as they were set forth. Thank you for allowing me the opportunity to speak to this motion this afternoon. We look for speedy passage of this bill.

Mr Martin: I'm glad to be following the member from Oxford, who just spoke, because what I have to say will be in complete juxtaposition to what he just presented. What he has presented is an insult to every

working man and woman across this country. To suggest for a second that this legislation somehow brings a whole large group of very important workers in this province into the organized labour movement or gives them the right to bargain collectively or act as a labour association or organization is not telling it as it is.

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Before I get into my defence of our position where this bill is concerned, I want to say that here we are again, on a Wednesday afternoon. As I always say when I get up here on Wednesday afternoon, it seems we have a time allocation motion. Every Wednesday this government decides that the piece of legislation that's before this place to be debated through the democratic process—first reading, second reading, third reading, committee—which over the years we've built up as tradition, the way we put in place legislation and laws that govern the way we operate together, the way we order our public life, is now just simply rammed through in this place. It's brought before the House. The government deems in its wisdom that it is the right thing to be doing on behalf of the people of the province. They're not interested whatsoever in the opinion or the view of the opposition or the public out there. They're just driving an agenda that is very self-serving to themselves and their benefactors for the most part, creating efficiencies for them and their small group of supporters to the detriment and the negative impact of almost everybody else who calls Ontario home.

The only thing different this afternoon for me is that my colleague for Nickel Belt is off on committee doing other work. Normally it's the two of us, and it seems we have the same conversation every Wednesday afternoon, particularly in this session of the Legislature, because there hasn't been a bill brought before this House yet that this government hasn't deemed after a day or two that it's time to time-allocate, time to drive it through. They're impatient, they're tired of the process, they're tired of democracy; they simply want to have their way, get their legislation through, impose on the people of this province their will and let's get on with it.

We find ourselves here again. It's Wednesday afternoon, so it has to be a time allocation motion. It's a time allocation motion; therefore it has to be Wednesday afternoon. However, having said that, I want to speak very clearly and directly to the legislation that's in front of us.

To suggest that what has been tabled is an honest and thoughtful effort to try to provide some relief or an opportunity for people working in the agricultural sector to organize, as every other worker across this province has the right to do, is to insult the intelligence of all of us, but, more importantly, the intelligence of men and women working across this province and those who work in the organized labour sector of Ontario. It's a joke. It's a sad joke that's being played by this government.

In their haste to get rid of anything that smacked of progressive labour legislation that we as a government introduced between 1990 and 1995, they moved post-

haste in the early years of their mandate to get rid of all the legislation that we brought in that was considered to be state-of-the-art, front-of-the-line, progressive labour legislation to bring Ontario into the modern world of labour relations, particularly where many European jurisdictions are concerned. They moved to get rid of it, but in this instance to dismiss the act that we brought in that gave agricultural workers the right to organize and collectively bargain, that put in place a provision for them, if there was a disagreement, for arbitration that didn't see them going out on strike, which was a recognition that there are some sensitivities in this economic sector of our province that we needed to consider, and we were willing to do that.

This government was brought to court by UFCW, the United Food and Commercial Workers of the province. They lost their case, as they've done just this week with the clean water act they've introduced, to bring in the bare minimum that would, by their analysis, pass muster with the courts. We have this bill in front of us here. We recognize that earlier this week—because it's the trend of this government not to want to protect the citizens of this province. Whether it's in labour relations or in their dealings with the environment and protecting the water that we drink, you do the very minimum.

The clean water act that the government brought in earlier this week was not in any way a floor from which to grow; it was a ceiling, rather, beyond which they will not go in order to protect the water of this province. I dare say we'll end up in trouble in the not-too-distant future on that front, just as we'll end up before the courts again with this legislation, spending just tons of public money to defend the ideological position of this government where the labour movement and organized labour are concerned, I suggest only to lose yet once again.

I am saying here this afternoon that when we become government after the next election under the able leadership of Howard Hampton as the new Premier, we will be taking this out of the judicial jurisdiction that it will most definitely, I believe, be in by that time and give workers in the agricultural sector the right to organize, as every other man and woman working in this province has the right to do, so that they can together collectively bargain for wages and as well deal with the very difficult and challenging issues of health and safety in the agricultural sector, so that every man and woman who works in the agricultural sector in this province is protected to the best of our ability, and if they're not protected, that they have rights to recourse if they should get hurt to be able to look after themselves and their families.

Any credible organization out there today that monitors or plays as safeguard on the rights of men and women in the world will tell you that one of the very basic and fundamental rights of any worker, man or woman, in this world today is the right to organize as a union, as a labour organization, to bargain collectively for their wages and to protect themselves where health and safety are concerned, and to move from there to look

at benefit packages, at things like vacation, time off and number of hours of work, and also to negotiate a pension for a healthy retirement for those workers after they've spent 30, 40 or 50 years giving of their blood, sweat and tears to their employer so that they then can have some hope that there will be some comfort for them.

Just by way of some background to this bill, because I think people out there may be somewhat confused where this legislation is concerned, it is not an appropriate response to the legal action that was taken and the findings of the court. It is not a beginning of anything, in my view, toward representing and giving workers in the agricultural sector a right to collectively bargain on their behalf or to act as a union in this province. It is not. It is an insult and a joke. Agricultural workers, who had always been excluded from the provisions of the Labour Relations Act, were granted collective bargaining rights by the Agricultural Labour Relations Act, 1994, when the New Democratic Party was government in this province. It was an initiative of that government. While the right to strike was not included because of sensitivities I mentioned a few minutes ago, contracts could be settled by final-offer arbitration.

The Conservatives overturned this act in 1995 and stripped some 200 United Food and Commercial Workers members working for Highline Mushrooms near Leamington of their collective bargaining rights. At the close of 2001, the Supreme Court of Canada ruled that the Ontario government's ban on unionization among agricultural workers violates the Canadian Constitution and the Charter of Rights and Freedoms. This government has no respect for the law, for the Canadian Constitution, for the Charter of Rights and Freedoms or for the opinion of many international organizations such as the United Nations, in this respect.

Chris Stockwell, the then Minister of Labour, said, "The government is disappointed in the decision" that the court came down with, and "We'll review all of our options before repealing this law." The ministry has been engaging, as they say, in consultation since then. We ask, consultation with whom, for whom and about whom?

This bill attempts to meet the bare minimum set out by the Supreme Court decision, and we can make the case that it doesn't meet that bare minimum, that it comes significantly and seriously under the wire.

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What does the bill say, in fact? The bill says that workers have the right to form associations. They have the right to meet informally to talk about God knows what, but certainly not to focus on and act collectively to increase their income or to protect their health and safety or all those other very valuable things that labour unions do. They have the right to make representations to their employer through their associations. They have the right to use a delegate to make those representations and have an employer listen to or read the representations. They have the right not to be treated in an arbitrary or discriminatory way by their bosses because of their association or the representations they make.

They have the right of access to fellow workers for recruitment purposes after a written application is filed with the tribunal—that's the Agriculture, Food and Rural Affairs Appeal Tribunal, not the labour relations board. I might add—and a hearing determines that such access is necessary to effectively communicate with workers and does not interfere with experimental agricultural practices, normal agricultural practices, planting, growing or harvesting, privacy or property rights.

They have the right to non-interference from management, including no reprisals for associating such as firing or discipline; no conditions in contracts that would hinder association work; no threat of dismissal; no coercion to refrain from forming or joining an employees' association; the right to appeal to the tribunal, but only if the matter is not trivial, frivolous or vexatious or based on an incident that occurred more than six months ago.

Who makes those decisions? Who decides whether the case brought before the tribunal is trivial, frivolous or vexatious? As I said a few minutes ago, it's the agriculture, food and rural affairs tribunal put together by this government.

However, having said that, agricultural workers do not have other rights that other workers have. They cannot collectively bargain nor do they have the right to strike. No employees' association may interfere with a worker's right to join a different employees' association, so you could have three or four of these things in one workplace, and there can be no certified bargaining agent.

The agriculture, food and rural affairs tribunal, which is not the Labour Relations Board, will be the body that workers appeal to when the act is contravened. Section 17 of the Labour Relations Act does not apply to employees or employers in agriculture.

What is the Agriculture, Food and Rural Affairs Appeal Tribunal, this body that's going to oversee this new regime? It's the product of a red tape bill that I spoke about here the other night, an organization that was put together by this government, born in the cabbage patch somewhere with no representation or input from a standing committee of the Legislature or anybody from the opposition in terms of its mandate or what it would look at or what the terms of reference might be of that association or who in fact funds it. This tribunal is a product of that organization that amalgamated all agricultural tribunals, including the former drainage tribunal, into the new Agriculture, Food and Rural Affairs Appeal Tribunal. Under this act, the tribunal can now appoint people to deal with employer-employee disputes.

If any of you have watched—I participate every week at the appointments that are made and vetted by the standing committee on agencies, boards and commissions. You'll know that the people who are being appointed these days to all of those organizations are, for the most part, members of the Conservative Party, supporters of the Conservative Party, defeated candidates who ran for the Conservative Party in this province. To expect that they would act in a judicial and fair fashion on behalf of the folks coming before them by way of an association of farm workers organized—I don't think so.

Increasingly migrant workers do farm work. They come from Mexico and Caribbean countries. The United Food and Commercial Workers are concerned that these workers might be specifically excluded from this act, but we have to take a look at that further, and that's why we would have been asking, if we weren't debating a time allocation motion here this afternoon, that we take this bill to committee so we could make amendments and make sure it includes everybody who's working in the farm industry in the province.

We don't think the government's going to get away with this. We think that, just as in the previous court case before the Supreme Court, they're going to lose. The Supreme Court decision, in our view, was extremely clear in its verdict, and this will not cut the mustard. Farm workers are not second-class citizens and this law, in our view, will be struck down by the courts in the very near future. What bothers us is that we will be back to where we were last week before this bill was introduced, with millions of dollars in legal fees wasted in an effort to allow this government to drive its ideological agenda to not support workers in their attempt to unionize.

It was quite telling a few minutes ago, as we listened to the member from Oxford talk about how he made a promise, before he was elected, to the farmers in his area that he would never allow their workers to be unionized. That should tell it all to you right there in a nutshell. Any small attempt to coat this bill in language that would make it look like it was a union or an organized labour group should be dispelled by simply going to Hansard or listening to the member from Oxford when he said very clearly in this House that he promised he would repeal the act put in by our government in 1994 that allowed agricultural workers to form unions, and that he would never allow unions to happen in the agricultural sector in this province. That's exactly what he's doing.

This is in no way, shape or form an organized labour effort that we have before us, and you can't pretend that it is. It's not even a beginning. It is way below that. As I said previously, it's an insult and a joke. Particularly is it an insult, and rather sad and tragic actually, more so than a joke, when you consider that there have been 1,049 fatalities in Canadian agriculture between 1990 and 1998.

We on this side of the House, in this small corner of this side, the New Democratic Party caucus, are very clear where we stand where this bill is concerned. We stand in the camp of organized labour. We stand shoulder to shoulder with organized labour to say to this government that this just won't cut it, that this isn't good enough, that this is an insult and that it could be tragic in the long run. We won't support it. We couldn't support it, in all good conscience. We stand shoulder to shoulder with those organizations out there that demand that every man and woman working in the world today has the right to belong to a union, and we will be voting that way—

The Deputy Speaker: Thank you. Further debate?

Mr Toby Barrett (Haldimand-Norfolk-Brant): From what I heard this afternoon in this debate, we clearly have a balanced piece of legislation in Bill 187,

the Agricultural Employees Protection Act, in particular in the comments I heard from my friend and neighbour, the member for Oxford, and the comments from my friend the member for Lambton-Kent-Middlesex. I feel we have an appropriately and carefully balanced piece of legislation at the end of the day—if you'll pardon that expression. A great deal of thought has gone into this, there has been consultation and we are drawing to a close with a significant amount of debate on this bill.

I feel this bill protects the rights of Ontario's agricultural employees, and on the other side of that balance I made reference to, it also recognizes the unique characteristics of our farms and other agricultural operations. The legislation clearly recognizes Ontario's agricultural production, a key contributor to the quality of life that we all enjoy in this province, whether we live in the city or on the back roads.

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This legislation must not be vulnerable to any risk of potential labour disruption. We've heard time and time again during this debate about the significance of planting and harvesting, shipping of animals to market—extremely time-sensitive operations. All too often, the reality is that the timing of these operations is not determined by the farmer but by Mother Nature, whether it be lambing time or time to spray for weeds or insects. Since agricultural production operations depend on biological processes, quite frankly, they can be vulnerable to sudden pressures and crises at any time. A situation like that illustrates what happens when ivory tower thinking collides with the hard facts of reality.

I'm going to quote from an editorial in the Simcoe Reformer. I will point out, to their credit, that when this newspaper publishes editorials, the author of the editorial is listed at the bottom. In this case, it's a journalist by the name of Monte Sonnenberg. He goes on to say:

"Few farmers can absorb significant disruptions and survive to grow another year. However, the labour movement, abetted by the courts, is pushing for the right to bankrupt farmers whenever the moment moves it. Meanwhile, the government is trying to avoid an outcome with extreme potential for injustice and violence.

"In its quiet moments, even the labour movement has to admit that the issue of unionized farm workers is a potential minefield for all concerned. Many farmers—perhaps the majority even—are barely making it from year to year. Yet some want to tighten the screws on them even further."

We heard, through consultation, that Ontario's agricultural employers value the working relationship they have with their employees, the men and women who they do work side by side with in farming; they value the relationship that they already have. They believe it's a good one and they believe it's one that should not be tampered with or jeopardized.

We heard, as we went forward and through these consultations—and we should bear in mind—that it's important to treat all agricultural employees in a consistent manner. When we drafted this bill, we remembered what

we had heard. The proposed legislation before us today does respect the individual and constitutional rights of agricultural employees, while having regard to the unique characteristics of farming.

I do wish to make mention here, and I quote again: "These people need to understand that farmers have little control over their markets. They are price takers, not price makers. Yet they are forced to pay what the price makers insist on receiving for their inputs. Profitability is thus an uncertain prospect." Again, I'm referring to an editorial in my local daily paper. "Given the importance of a healthy agricultural sector to our collective well-being and the ongoing fragility of the same, farmers simply do not need someone else ramming their hand into their pockets."

I made mention of the consultation process. We have some feedback from the meetings that were held; Mark Wales, for example. Mark is an OFA representative on the Labour Issues Coordinating Committee. I have attended meetings of that committee. Mark Wales addressed a recent OFA board of directors meeting: "The government listened to the concerns of agriculture and this is legislation we can live with."

This proposed legislation would enable agricultural employees to do a number of things: first, to exercise their rights to form and join an association; second, to participate in lawful activities of that association; third, the right to assemble; and fourth, to make representations to an employer through an employees' association. The proposed legislation very clearly would ensure that they could do all of this free from interference, free from coercion and free from discrimination.

I would emphasize that the proposed legislation contains no restrictions on the composition of such an association other than that the association be comprised of agricultural employees. The employees' association could be comprised of agricultural employees from any number of farms. It could be organized on any basis that the employees want. It could be a branch of another organization, including a branch of a local of a union. A union or other organization could assist these employees in forming their employees' association, whether that association was formed as a branch or a local of a union or of another organization, or it could be a completely separate organization altogether.

To be clear, while an agricultural employee may join an association that is a union, the proposed legislation does not extend collective bargaining to agricultural workers. This is very important, and I do wish to convey words from Ken Forth, with the Ontario Fruit and Vegetable Growers Association. Mr Forth is chair of the labour section of that association.

"The legislation is doing exactly what the Supreme Court requested in terms of meeting the rights to associate. It also recognizes farming as a unique industry. It's a living biological production system, and you can't have strikes in this business." Forth went on to say that the new legislation will protect the lawful right of workers to assemble and make representation to employers free of discrimination and coercion, as I previously explained.

Another person heavily involved in these issues, a long-time fruit and vegetable grower from Cedar Springs, Hector Delanghe, said the legislation will clear up a lot of uncertainty about farm labour issues that have existed over the last seven years. Mr Delanghe has been actively involved in dealing with many of these issues. Hector Delanghe is quoted in the Ontario Farmer and has said that it would improve the lot of workers to put pressure on a few bad-egg employers to mend their ways and provide better working conditions for their employees. "Farm workers will be able to associate and generate more interest in working conditions and farm safety issues," said Delanghe.

I feel it is worth noting that while this proposed legislation is not about workplace health and safety, although farm accidents have certainly been discussed by a number of speakers during this debate over the last several days, the legislation is directed at agricultural employees' rights of association. It would enhance the ability of employees and employers to communicate about health and safety issues, about terms and conditions of employment, clearly and quite frankly including any concerns about workplace health and safety.

We have heard this in the debate as well: farm injuries and farm fatalities are a concern. They are certainly a concern of our government; they are certainly a concern in my riding of Haldimand-Norfolk-Brant. I have a personal concern. In the 1980s I was actively involved with our local farm safety association. I served for several years as the president of the Norfolk farm safety association.

I have some data. Of the 109 total farm fatalities since 1996, 17 were under the age of 16 years. This represents 16% of all the deaths. Twenty-three were over the age of 65, representing 21% of those deaths. The Canadian agricultural industry surveillance program shows a strong, statistically significant decline in the number of work-related farm deaths in Ontario—this is good news—between the years of 1990 and 1998, from about 40% to 20%. The rate of agricultural employee lost-time injuries also declined, by 25%, from 1996 to 2001.

1740

The Ontario Farm Safety Association is the lead agency for farm safety education. The Ontario Ministry of Agriculture and Food has been co-operating with the Farm Safety Association for a number of years; for example, to fund safety projects that target farm families and, given the statistics I've just presented to you, projects that target the very young and older workers. The Ministry of Agriculture continues to support the Farm Safety Association, the Ontario Agricultural Human Resources Council, and the WSIB—the Workplace Safety and Insurance Board—in these efforts; for example, through delivering what's referred to as the farm safety audit program, designed to improve working conditions.

Very clearly, the mandate of the Farm Safety Association is to reduce the number of injuries, accidents and fatalities on our farms in Ontario, specifically in the agri-

cultural-horticultural landscape operations covered under the Workplace Safety and Insurance Board, whereby employers, owner-operators and members finance the Farm Safety Association through a portion of their assessments paid to the WSIB. Roughly two thirds of Ontario's farmers are not covered by workplace safety and insurance; therefore, OMAF provides assistance to them in the form of a \$90,000 annual funding to extend health and safety programs to all farmers, regardless of their linkage to the Workplace Safety and Insurance Board.

The Farm Safety Association produces a glossy publication titled Farmsafe. It keeps us all up to date on issues and provides those reports on injuries and accident trends. Both the Farm Safety Association and the Ontario Agricultural Human Resource Council are working with the Workplace Safety and Insurance Board to deliver a comprehensive agricultural safety audit program. This audit is designed to improve working conditions. Over 4,000 farm managers have requested this audit program over the past two years. There's also the young and new worker orientation program to cover legal obligations, duties, identifying hazards in the workplace and mapping out very clearly what one is to do if an injury occurs. So we see the figures. The injury and fatality rate is in decline. As I've indicated, the legislation doesn't directly address safety on the farm, but it does open the door to talking about it, to discussing terms of conditions of employment.

I feel we have a good piece of legislation here, especially given the size of Ontario's agricultural industry, the large number of employees involved. We know the NDP position. I do regret that the Liberals did not support this at first reading, and I also regret that the Liberals moved to adjourn the debate yesterday. I don't know what the reason for that was. It think it's very important for us to have had this discussion and debate. It's important to air the issues connected with this bill. It remains to be seen which Liberals and how many vote in support of it today.

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to join the debate. I start off with my concern about the process here, that we're now dealing with, once again, a time allocation motion. I think many of us came from a background of municipal politics, either at a school board or a council where we're used to public input. If the public wants to have an opportunity for input into a decision by council, they have that opportunity. Here at the Legislature there's virtually no opportunity for the public to have input.

In this particular case, what we're faced with is that the government's introduced what we call a time allocation motion. It means the bill can't even go to a committee. No member of the public who has an interest in the bill has an opportunity for input. I find that unfortunate.

I remember that the government, on a tax bill, decided on a fundamental change in tax policy: corporate taxes 25% below the US. There was never an opportunity for

the public, or dare I say even the Legislature, to have this to a committee.

The second point I'd make is that the member for Haldimand-Norfolk raised the issue of the Liberal Party and how it stands on this bill. We've been very clear on it. He may not have listened or he may not have been here to hear the debate. We're voting in favour of the bill.

The public should recognize that the bill was introduced here in the Legislature and we abstained on what's called first reading. The reason for that—and the public should understand this—is that we think our farm community is extremely important. We think a piece of legislation introduced that has a profound impact on them deserves some study—a reasoned debate on it. We hadn't even seen the bill. The member for Haldimand-Norfolk may simply stand up and say, "Yea; I'll vote for anything." He'd never seen the bill. He couldn't have seen the bill. But it was introduced here and he was all set to vote on it.

I would just say to the public that the Liberal Party said, "Listen, we want a chance to see the bill. We want to know what's in the bill." So we abstained, and I have no difficulty with that. The Conservative members say, "You shouldn't even care what's in it. You should just simply vote." I say, no wonder the public is cynical about the process we follow around here.

The member said it was for first reading. There was a vote on it and we were expected to vote—"Are you in favour or against this particular bill?"—without ever having seen it. Mr Chudleigh may be prepared to stand up and vote on a thing like that, but frankly if in the end you are going to have to defend a decision, I suggest maybe you'd like to read it. The public can make its own mind up on it.

To our rural community, to our farm community, I just say I'm very happy with the decision we made to abstain. We've now had an opportunity to debate the bill and we're prepared to support it—not without reservation, I might add. In fact, my leader has been quite clear. He said, "Listen, there's an aspect of this bill that we don't like. For what's called a large factory farm operation we think there should be an opportunity for organization of the workforce." My leader, Dalton McGuinty, said, "Listen, there will be an election coming up. If we win, get elected, that's what we will do." I've listened carefully to the debate in the Legislature, and the major concern is particularly that.

I would also add that farm safety is a concern, and the injuries in our farm community are a concern, but that has to be dealt with in a way that affects our entire farm community so that small farms and large farms are dealt with. Again this bill does not address that—nor can it, if I might say.

The member for Haldimand-Norfolk says, "I don't know where the Liberals stand." I just say to him, you've got to come here and listen to the debate because we've

been very clear on it. If you don't understand it, you haven't been here to listen to the debate. You say, "The Liberals abstained on first reading." I say again to our farm community, recognize that not a Liberal member had seen that bill. Our House leader may have seen it for one minute. So you may not like the fact we abstained, but I have no difficulty in explaining that to our farm community. We'll be very happy to support the bill and make the changes we need later.

The Deputy Speaker: Mrs Johns has moved government notice of motion number 50. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1750 to 1800.

The Deputy Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arnett, Ted	Gill, Raminder	Mushinski, Marilyn
Baird, John R.	Guzzo, Garry J.	Newman, Dan
Barrett, Toby	Hardeman, Ernie	O'Toole, John
Beaubien, Marcel	Hastings, John	Ouellette, Jerry J.
Chudleigh, Ted	Hodgson, Chris	Runciman, Robert W.
Clark, Brad	Hudak, Tim	Spina, Joseph
Clement, Tony	Johns, Helen	Sterling, Norman W.
Coburn, Brian	Kells, Morley	Stewart, R. Gary
DeFaria, Carl	Klees, Frank	Stockwell, Chris
Dunlop, Garfield	Marland, Margaret	Tascona, Joseph N.
Ecker, Janet	Maves, Bart	Tsubouchi, David H.
Elliott, Brenda	Mazzilli, Frank	Turnbull, David
Flaherty, Jim	McDonald, AL	Witmer, Elizabeth
Galt, Doug	Molinari, Tina R.	Wood, Bob
Gilchrist, Steve	Munro, Julia	Young, David

The Deputy Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Crozier, Bruce	Levac, David
Bartolucci, Rick	Curling, Alvin	Martel, Shelley
Bisson, Gilles	Di Cocco, Caroline	Martin, Tony
Bountrogianni, Marie	Dombrowsky, Leona	McMeekin, Ted
Bradley, James J.	Duncan, Dwight	Peters, Steve
Bryant, Michael	Gerretsen, John	Phillips, Gerry
Caplan, David	Gravelle, Michael	Prue, Michael
Churley, Marilyn	Hampton, Howard	Ruprecht, Tony
Colle, Mike	Kennedy, Gerard	Sergio, Mario
Conway, Sean G.	Kwinter, Monte	Smitherman, George
Cordiano, Joseph	Lalonde, Jean-Marc	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 45; the nays are 32.

The Deputy Speaker: I declare the motion carried.

It being well after 6 o'clock, this House stands adjourned until 6:45.

The House adjourned at 1806.

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Wednesday 30 October 2002

Mercredi 30 octobre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 30 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 30 octobre 2002

The House met at 1845.

ORDERS OF THE DAY

HIGHWAY TRAFFIC AMENDMENT ACT (EMERGENCY VEHICLE SAFETY), 2002

LOI DE 2002 MODIFIANT LE CODE DE LA ROUTE (SÉCURITÉ DES VÉHICULES DE SECOURS)

Resuming the debate adjourned on October 24, 2002, on the motion for second reading of Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle / *Projet de loi 191, Loi modifiant le Code de la route afin de garantir la sécurité des véhicules de secours arrêtés sur une voie publique et celle des personnes qui se trouvent à l'extérieur de tels véhicules.*

The Deputy Speaker (Mr Bert Johnson): I'm looking for leadoff speakers, and I'm starting with the government, to my right. I'll look to my left, the Liberal caucus.

Mr Dave Levac (Brant): Mr Speaker, I'll be sharing my time with the member from Elgin-Middlesex-London.

Mr David Caplan (Don Valley East): The outstanding member from Elgin.

Mr Levac: The outstanding member from Elgin-Middlesex-London. He's extremely outstanding. I want to put on the record, Mr Speaker, that there was a large guffaw on a previous bill that was voted on that I'm going to make reference to only for a short moment. I know the member who is going to be speaking will comment on it. When time allocation gets used as often as it has been in this sitting, it's very standard practice not to vote in favour of doing that because it stifles debate. That's what was voted on just before dinner. I think it's important to point out that the member beside me is an extremely active and large advocate for our farmers in Ontario. I've heard from members across my riding and across the province how proud they are to know of the hard work Mr Peters does on behalf of farmers in this province. I don't need to be speaking on him.

Mr Tony Martin (Sault Ste Marie): On a point of order, Mr Speaker: My colleague is putting some very

important comments on the record here on a piece of legislation, a piece of work that we're doing here tonight, and I don't think we have a quorum to hear him. That would be really unfortunate.

The Deputy Speaker: Would you like me to check and see?

Mr Martin: Yes.

The Deputy Speaker: Would you check and see if there is a quorum present.

Clerk Assistant (Ms Deborah Deller): A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk Assistant: A quorum is present, Speaker.

The Deputy Speaker: The Chair recognizes the member for Brant.

Mr Levac: Thank you again, Mr Speaker, for that opportunity to put the clarification on the books. With that, I will move to my discussion of Bill 191. By introduction, Bill 191 is called An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle.

I want to thank the Minister for Public Safety and Security for continuing the fine tradition I've been able to continue with his predecessors, and that is, introducing legislation that is very concise and pronounced in terms of the issues we're speaking about. I can offer him my assurance that I have spoken to caucus, and we intend to support the bill because of its level-headedness and the abilities of what we're trying to do here with this. There are a few options that I will be presenting him, and he knows that I take that job seriously. Recommendations that I will be making to the minister I hope will be taken seriously and given due diligence in terms of improving this particular piece of legislation.

1850

I do believe that going to public inquiry and looking at public consultation is an important aspect. I hope that we can get it to a committee and hear from the experts and from people who have expertise in this area. There are actually people out there who have expertise in the construction of highways, the use of vehicles on the highways, driving on the highways; in particular, police officers in pursuit and those that do follow-up on stopovers on highways. We do need to hear from them.

I will make the assumption that the minister was advised on this issue, and some of the things that he has in the bill have been referred to by professionals. But I want to point something out: it may be seen as simple, as

trivial, but I can guarantee you that the people of the province of Ontario, when they hear this, are going to say it must make sense.

If we listen to what the bill says—I want to read it one more time and then I'm going to ask the minister to consider even the title of the bill. He says, "An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway," and then he proceeds to say, "and people who are outside a stopped emergency vehicle." Might I respectfully suggest that we reverse those priorities, that we put the people first? That's who we're protecting. I know that's the minister's intent. I don't want to call into question the minister's desire in the introduction of this bill. But I think in terms of turning the title around, you get to say that you're interested in making sure that the person who's outside of the stopped vehicle is the first person we want to lay safety to, and then we'll talk about the safety of the vehicle, which, by the way, does not imply that we don't need to keep that safe, because quite frankly we've heard in the province of Ontario of the people who were inside the vehicle. So we're not talking about the safety of the vehicle; that's second. The most important part is making sure that we keep those people safe on the highway.

So I want to move on to support of this bill. Recommendations will be made. We look forward to public hearings to obtain very sound and professional advice that will be available, that is available, and has already been offered. I've already spoken to some people who have brought up a few small points about this bill that I hope we will be able to get changed, modified and improved.

We do support legislation that protects our police officers, be they OPP, municipal, RCMP, special constables, correctional officers in transport or probation and parole officers. We make sure that we make it very clear on this side of the House, as I know it is on that side of the House, that we value and support our police officers in the line of duty. We know that it is an extremely dangerous job, day in and day out, because you don't know what's going to happen from day to day. And because we don't know what's going on from day to day, we anticipate that we will be able to try to provide legislation that supports them by the best possible means we can. That means changing a culture, and I think we have to understand that that's what this means.

We need to change a culture of thinking about what's going on on our highways. That has happened over the years with Mothers Against Drunk Driving. It was no more than 10 or 15 years ago that, when people who were tried in court for drunk driving, the jury would sit back and say, "Jeez, that was me Saturday night. I can't find this guy guilty because I was doing that myself on the weekend." Now we've changed the culture of expectation. We've changed the culture of what we expect to have happen in our communities across the province, and what's going on in drinking and driving. So that's what we're actually going to try to do with this type of legislation: change a culture. We want to try to change the driving habits that people have.

I want to bring the attention of the minister to what he knows exist in this House right now that the government could actually take and move along; that is, private members' bills that presently exist, that are in the House, that have been introduced and are accessible. One I would like to mention: the member for Sudbury, Rick Bartolucci, has a bill on studded tires. I know they were banned in the past because they did some damage to highways. Well, that was 15 years ago, I believe, and from then to now, I hope the minister realizes, studded tires have made a resurgence because of innovations in technology and the design of the studs. We know for a fact that they are endorsed by many organizations that realize that for the safety of our citizens, particularly in the north and in snowy areas and icy areas, on particular highways but also in municipalities, studded tires can provide more control on the roads.

So I would invite the minister to do some research and take a look at that and consider that that may be an option that is considered a valuable tool in the exercising of this particular bill. The reintroduction of studded tires is an opportunity that I think we should not throw away easily. So I would commend the member from Sudbury for his work on that and ask the minister to give that some consideration to improve the status for that opportunity.

It doesn't mean that it has to be in this particular bill, but as a companion bill that helps you with your purpose. Your purpose is to protect those officers and those emergency service people from being hit by any other car or vehicle. In bad weather studded tires do have a role to play in getting control of those vehicles so that they don't go into skids. That's an opportunity, and I hope that serious consideration is given to this.

The private member's bill I had also mentioned—there are some helmet bills, there are some safety issues that are being proposed on highways that need to be considered. All of those could be considered companion bills to the minister's. But I'd like to tell him one more time for reinforcement that the idea that you're presenting a bill today that's not cluttered with an awful lot of information provides us an opportunity to support, then turn around and ask for some improvements and some serious debate and conversation about that. When that takes place, I believe we would be better served. We want to make sure that we are advocating, on behalf of all, safety for all citizens, inclusive of what the minister is getting at in Bill 191.

I would mention Pat Hoy, the member from Chatham-Kent Essex, who has done a crusade, basically, on safety on the 400 series in his riding and around it. There are improvements, and I would suggest that the minister talk to the Minister of Transportation and make sure that he understands there's an opportunity for two ministries to work hand in hand to provide that safety that's necessary for our public safety/security people who offer those emergency responses, one being improvements on the highway shoulders to provide shoulder room so that when they pull these vehicles over, it's less likely to cause a problem in the next lane.

Rick Bartolucci, Highway 69; Pat Hoy, 400-series highways: that brings me to a point I'd like to raise for my own municipality, and that's Highway 24. Highway 24 is an exceptionally dangerous highway in my riding. It has actually taken quite a few lives, and unfortunately it's safety issues. Right now, in my conversations with Ministry of Transportation staff, there are an awful lot of segments of that highway that need rejigging, reworking, in particular focusing on safety issues. I would say to you very clearly that if our emergency workers are pulled over on Highway 24, I would be very much in fear of what would happen on that highway. That stretch of highway is absolutely dangerous.

I would submit to you that, working with the Ministry of Transportation, working with the Minister of Public Safety and Security, you could provide companions, again, to help me take care of Highway 24 and all of the citizens that are working very diligently and very hard on making sure that Highway 24 is safe and secure.

There are two issues that have come up. I'd like to give credit to the chamber of commerce, who have picked this up and asked for input on how to improve it, because it's an economic issue as well. I would suggest, and I've suggested this as a by-product of looking at Highway 24, that consideration be given to a 400-series highway connecting Highways 401 and 403 south and north, between Brant and further down in Haldimand-Norfolk and up to Cambridge, Galt, Kitchener, Waterloo, Guelph. That is an economic boom waiting to happen in terms of a proper transportation corridor to connect another segment. That in itself can be designed in a way that would keep it very safe for our police officers who have to do their duty on the highway.

1900

Those are three areas that I've mentioned that are an important aspect of the subsidiary of this bill. The bill itself needs to be passed, but we have to consider what else affects it. Those things, in clear contrast to what I'm trying to say, affect the safety and security of our police officers by improving the highway system so that when they do pull over—and it's not just an illegal thing that's happening. Our police officers, our emergency response people, pull over to help people who are in distress. They pull over for other reasons: for abandoned vehicles, to inspect and check. Because of that, they are putting themselves in jeopardy, specifically just themselves, in order to protect people on the highway.

Making those highways better and user-friendly, shall I say, for those who have to pull over—when you think about it, everybody who has driven on the highway system in Ontario can think of spots in their ridings they know should be improved. I understand that would be a very large burden on the province to do that but I think there are opportunities here to identify those.

I'm quite aware that staff in the Ministry of Transportation do projections—five, 10, 20 years down the line—of things that are happening and things they want to improve and fix up. So we definitely need to work toward the safety issue that is involved in Bill 191.

I will compliment the member because he has offered us another opportunity to say to the families who have lost loved ones how much we grieve for those officers. I've made the conscious effort that I will not review the individuals, in respect for their families, because in this House each of us has paid tribute to those officers. We've sent them our statements; we've sent them our comments of grief and sorrow and prayers. So I don't want to revisit the individual cases, but rest assured we are quite aware of the numbers of people who have been affected by what brought the creation of this bill. So in respect for those families, I will not name names. I think the minister knows that we could go through that, but I've chosen not to do that, in respect for those families, in respect for their memories.

It's important to point out that it must not be done in vain. It must not be done in a way that doesn't take into consideration the future of what we're trying to accomplish this evening.

Let's look at some of the background behind this. In the past five years we know that four OPP officers have been killed while giving out routine tickets, and some in traffic accidents in the past, some involved in chases and apparent chases, some involved in helping somebody else and while they were helping somebody else were tragically killed. In some cases we ended up with people who are injured seriously and can't resume their job as they know it.

In the United States, over 200 officers have been killed in the very same way that we're talking about in Bill 191: pulling people over. We've all watched those video shows that show the video cameras in the police cruisers taking pictures of cars wiping out cars that the officer pulled over. They've shown people getting hit on the highway. The videotape is a very stark reminder of the dangers that police officers go through on a regular basis. We know that it affects you, for sure.

I'd like to point out what the bill does and doesn't do. The bill makes it clear that any car approaching an emergency vehicle on the side of the road with its lights flashing must slow down, proceed with caution and must move into another lane. I'm assuming that means into the middle lane, depending on the circumstance behind the particular highway we're talking about. It's inconsistent, though, because we know that there are two-lane highways, there are four-lane highways and there are six-lane highways. So there needs to be some shoring up in that particular wording.

We also know that the member for London-Fanshawe, Mr Mazzilli, introduced this as a concept. As a former officer, he was quite aware of what was going on—and a diligent member of provincial Parliament, making that particular private member's bill out and turning it into legislation.

Here's a commercial that I would put in during this particular debate: I've offered a few pieces of legislation that I actually want the government to steal; I'm asking them to proceed with it and to move on to it, and those would be my private member's bills on anaphylactic

response for schools across the province and on school safety zones around our schools. We're talking about safety of individuals; now we're talking about safety of children. I would invite any of the ministers over there or any of the caucus members to grab a couple of those ideas and take a look. I would welcome you to introduce that as a bill. My roster is too far down the road. I'm back in 2004, and I can't get these bills out faster. It's talking about safety.

So I think it was a commercial, but at the same time it relates to the concept that the minister is applying across the board here, and that is to look out for the safety, in this case, of our police officers, our emergency response teams, and in my case, the safety and security of students. I would ask him to consider doing that.

Anyone who contravenes this law is guilty of an offence and liable for conviction of one of three things: on the first offence, a fine of between \$40 and \$2,000; and for subsequent offences—God knows that it does take some time for people to change their habits—of a fine between \$1,000 and \$4,000 and/or imprisonment for no more than six months. The court can also suspend the driver's licence of a person convicted of the offence. I'm hoping a court would think very seriously of automatically suspending somebody's licence for doing something like that. I don't think they should have that right for a long time. Hopefully they would lose their licence for quite some time.

The area that I'd like to talk to you about is what the bill really doesn't do. It doesn't explain what speeds cars must slow down to. It just says that they have to slow down. This is a judgment call. But if the minister is implying that police officers have that leeway to judge whether or not the cars slowed down enough, that opportunity exists already with police officers. Police officers make that judgment on a regular basis with all the laws that already exist. I'm suggesting that you need to at least have a standard that the police officer can judge it on. If the police officer has that knowledge that they must slow down to 10 or 15 kilometres less than what they're travelling or what the natural flow is, the police officer can really make a judgment because he or she is expert. They can say, "Man, they didn't slow down one kilometre, so I'm going to nail them." Or if they see somebody is trying to slow down to 10 or 15 kilometres less than what the natural flow is, then the police officer should have that as a natural thing to discuss. But just to simply say that we would provide them with an opportunity to make that judgment call—I think we need to have it even more specific, and I'll very clearly explain to you later on why I'm suggesting that.

The Ontario Provincial Police Association, the OPPA, is suggesting we reduce the speed between 10 and 15 kilometres. The people who are front-line officers—that's what the OPPA is, and they're the experts on the highways already—are suggesting it should be 10 or 15 kilometres for sure, because they feel comfortable slowing them down to that limit. So the suggestion would be, let's take a look at shoring up that section by giving it a speed constraint.

Police officers are supposed to catch those drivers who disobey this law. So the question would be, while they're doing this, do they have enough police officers on the road to take care of that emergency that stopped them there in the first place and then to follow the person who's not going slow enough? So it begs the question: how do we catch those people? I wouldn't assume for one minute that maybe the government would want to do photo radar. That might be an option that could be considered by this government: maybe we should put radar on them and say, "You were going, so you can have the ticket, and I can still attend to my emergency here." If they're going 15 kilometres over the speed limit they're supposed to go when an accident takes place or when you see those flashing lights, you could probably say to yourself that it makes sense that photo radar is an opportunity that could be used in that case. Because if they do, it's a very specific place, it's a very specific reason why they would use it, and it also says very clearly, "Do you know what? We do it."

Can you support it? It's a good idea. I think it's an opportunity that we should be discussing, because it does slow them down.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Why did you vote against it?

Mr Levac: I didn't vote against photo radar; I proposed it. I'm sitting back saying, "Where is it?" We've got a private member's bill that wants to put it in. So if we've got you guys here, we can put it in right now.

The bill is supported by the Ontario Provincial Police Association. The OPPA basically says, "Yes, we like it." But there are some things we need to take a look at and I'm looking forward to getting it to committee so we can have those experts come in and say, "You know what? We should tweak this thing and make these opportunities there."

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By the way, for the people listening, the OPP are the ones who actually oversee the 400 series. They are the ones who are on that highway, day in and day out, and know of the things we've been talking about.

This is a potential lifesaver, and I say this cautiously. This one could save somebody doing their duty. I think it's an important aspect of the bill that we can't underscore enough.

I'd like to give you examples. Minister, I did a little homework and found a few jurisdictions that use the type of legislation you're talking about. I'll run over the states that you have an opportunity to take a look at, to find out one of the differences in your bill that is absent, that needs to be looked at. They are Indiana, Ohio, Kansas, Wyoming, Michigan, Minnesota, Oklahoma, North Dakota, Montana, Maine, Illinois, Wisconsin, North Carolina, Louisiana, Kentucky and Florida.

One of the things that appeared to me to be the constant, that was there all the time, was the differentiation between flashing lights. The minister mentions red flashing lights only in this bill, and there are many different

types of flashing lights that are emergency response. The one that is painfully absent even from the United States that I would recommend the minister give serious consideration to is green lights.

Interjection: Volunteer firefighters.

Mr Levac: The volunteer firefighters. It wasn't mentioned in any of the states and it wasn't mentioned in this bill. So I'm giving the minister an opportunity to improve his bill again.

Mr Caplan: In committee.

Mr Levac: In committee. Include green lights, white lights, blue lights, amber lights, and the other emergency vehicles that are not covered by red, by law. Some people can't have red lights but they have other flashing lights that protect them as well. Is this specifically designed for police officers only? I don't think the minister is strictly saying that. I believe he's looking at the safety and security of all people who are providing emergency services and who have to stop on the highway. If that's the case, I'm suggesting to him that we really need to seriously consider the other lights, the other situations we find on those emergency vehicles. Green lights are an important aspect of that. I would suggest to him that those lights translate into who is affected. The authorized emergency vehicles in Indiana, for example, are fire, ambulance, police, recovery or highway maintenance vehicles. We need to say that we are concerned for all of our people who work on the highways. We want to make sure.

I introduced a bill a while ago that basically said, "We're going to double the fines and try to slow the speed down in construction zones." We also have to take into consideration that some of the dolts who are driving on the highway don't even slow down in a construction zone. There are people working right beside the highway, some in the middle of the highway, some on the other side, and in some cases they have to shut the highway down altogether. But the ones they don't, you've got construction workers who are working on the highway and, believe it or not, they have been dinged by cars going too fast. So I'm going to suggest that we take considerable time before we say, *holus-bolus*, that the bill's got to go. We need to talk about this. We need to make sure that we at least give the minister an opportunity to consider putting these little nuances I'm describing in the bill, because we want to make sure we get this right. We could be negating some people in there.

I couldn't believe the differences in the penalties: a 90-day suspension; a year in an injury to a person; a suspension of 100 days to two years upon a death; a two-year suspension in addition to any other penalty. That's a statement that I want us to remember, "in addition to any other penalty that's imposed," because it ended up in almost every single one of the states that did it. I don't want any of those catchphrases that say, "This is the penalty we're going to impose." I want it on top of any other penalty that's imposed. That should be in the bill; it's not in the bill.

There are fines that range from \$60 to \$6,000. I believe, on this side of the debate, the minister has the

penalties right. If we want to talk about increasing those, we can always do that, and I'd appreciate that opportunity.

I did find there is one in Canada: the Highway Traffic Act in Saskatchewan. Page 22, section 37.1(1) reads:

"Passing emergency vehicles:

"37.1(1) No person shall drive a vehicle on a highway at a speed greater than 60 kilometres per hour when passing an emergency vehicle that is stopped on the highway with its emergency lights in operation.

"(2) Subsection (1) does not apply where a vehicle is being driven on a highway that is divided into two roadways by a median and the vehicle is travelling on the opposite roadway from the emergency vehicle."

I want to bring to your attention that it did make it a commitment; they must have done some studying. I called the people in Saskatchewan and they basically told me, "Our research indicated that the more you drop the speed, the safer people are." So they dropped it to 60 kilometres an hour. That's it. You've got to go down to 60. As you know, speeds increase by the way the traffic is moving, so the OPP have that flexibility to allow it to go.

I believe right now the average speed on the 400 series is somewhere in the neighbourhood of 120 clicks, so if you slow it down by 10 kilometres, you're slowing it down to legally still speeding on the highway. Dropping it to 60 and bringing it down, you're sending a clear message that you're interested in saving lives.

That refers me to my other bill, the school safety zones I'm asking for. In the school safety zones, research showed me that for each 10 kilometres by which we drop the speed—there is a 98% chance of death if you're driving 70 kilometres an hour and you get hit. As you drop that speed down by tens, it diminishes. So when I drop the safe school zones down to 30 kilometres an hour, the chance of death when hit by a vehicle was 32%, which means you drop it from 98% all the way down to 32%. So we are talking about the old adage, proven by that research and proven by the OPP, that speed kills.

I would encourage this government to consider very seriously that this speed needs to be dropped, and we need to take that number and then give the OPP some flexibility in how it wants to apply that rule.

There's no doubt in my mind that this bill is intended for the very reason that the minister intends it in the first place. I appreciate so much the fact that this bill was created just by itself as a stand-alone piece of legislation, that it wasn't attached to several other things that could be unpalatable to accept. The legislation is a clear example of the minister's commitment. I respect him for that and I appreciate the fact that he's given us a piece of legislation that indeed is supportable. But I reiterate that there are some things to do in this bill to make it even better.

I clarified those recommendations, I hope, and I want to offer a couple of new ones that the minister should take seriously.

Number one, let's include all the flashing lights. Let's include in particular the green in support and respect of our volunteers. The green lights do not appear in this legislation. The green lights are for our volunteers. That should be included, absolutely, because the green lights are there and are important, as are amber and white and blue. I will tell the honourable member that in my research, the states that have this type of legislation have included in a very different way all the different systems being used in emergency stops. The idea is not simply the red. The idea is to include all of them because when there's one set of lights, it usually attracts another set of lights. It makes sense: tow trucks, emergency vehicles, the fire department.

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Mr Peter Kormos (Niagara Centre): Make it "any flashing."

Mr Levac: Any flashing. I like that as an amendment and I support you on that. I think one you forgot to mention, if I'm not mistaken—I reviewed it. You didn't say green.

Mr Kormos: Yes, I did say green.

Mr Levac: Did you say green?

Interjection.

Mr Levac: Absolutely. I'm glad for it. I withdraw that and give you back the credit you deserve. I appreciate that so much. So green was included in what the NDP member commented on the first time this bill appeared. I am supportive of that and I do think it's the right thing to do.

To improve the highway structure is the other—

Interjection.

Mr Levac: I think I got a nod of approval from the member over there, who said, "That's right," because if you don't deal with that, you're not taking care of the symptom. That is to say, we need to improve the highway structure, the shoulders.

Here's one I'm suggesting. I don't know if it was mentioned. Unfortunately, I was attending a funeral when the bill was first introduced and I didn't get a chance, but I reviewed this. I don't think they mentioned this. The Ministry of Transportation is instructed to include education in our driver education courses and the tests, to include that in the test before they get their licence so they have to prove they know that rule.

Mr Kormos: And a promotional campaign.

Mr Levac: Absolutely. You're ahead of me. And that we use now a promotion, which is mentioned in some of the states. They have a promotion.

Here's another one, which I know we use quite well here in this province but need to do more of and need to do it better, that is, our message boards on the highway structures, those message boards that appear before us: "Drinking and driving is bad." "Highway 23 is closed." "Take this turnoff." Those message boards are quite effective. I saw the research on that and it does improve driving habits. It tells us, "Don't use that phone." As a matter of fact, if you see it, some people actually turn the phone off when they see those message boards. So let's

use the message boards to tell people about the safety vehicles on the side of the road.

I want to come back to this one, which was here in this province but we subsequently decided was not good for our highways so we took it off the road: studded tires. The new technology of studded tires being used in Europe now is much better than the old metal studs and they don't destroy the roads. The old excuse that was used to get rid of them was, "They're hurting the roads." I'm suggesting we need to re-evaluate the studded tires and go back to the drawing board. The science behind it has indicated that when used properly, the studded tires actually do give more control on the roads. Quite clearly, you need to add that to this bill, because that's another component that helps keep those police officers and emergency response personnel safer, if you don't skid when you slow down in front of those vehicles stopped on the side of the road.

Now, some people might be sitting here kind of bored with this discussion. They're sitting back and saying, "Oh, come on, let's cut this off." But I've offered seven different ways in which we can improve this particular bill, and I know the member from Niagara Centre offered some opportunities as well to improve the bill. When we get that to committee—I'm assuming that's what we're going to do—those recommendations, along with those from our professionals—

Mr Kormos: I bet you the CAA would want to comment.

Mr Levac: Absolutely. There's the CAA, there's the OPPA, there's the OPP, there's the truckers association, there's the people who produce the studded tires who could provide us with the science. If we can pull those people together, we can have a piece of legislation that is not only going to be of great value for our police services officers but for the safety of all the people who drive on the highways of Ontario. As we produce this, as we go forward with these recommendations, I'm sure the minister intends full well to hear those arguments. I'm sure he has done some consulting already.

Mr Kormos: Maybe he needs time to reflect on them.

Mr Levac: The member for Niagara Centre says he needs time to reflect on these ideas. Some of them are so good and so easy that I think you can adopt them immediately.

Mr Caplan: But others?

Mr Levac: But others need some time and they need some committee work and they need public consultation from the experts. Once that happens, there's no question in my mind that we'll have legislation about which each and every one of us can stand up and say, "Do you know what? This is the right thing to do and we're going to support it."

I want to ask one more thing. The member wasn't here when I said this and I want to come back to this. This sounds petty, it sounds simple, but I want us to send a message. Listen to the title of the bill: "An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are

outside a stopped emergency vehicle." My request is, let's flip them around. Let's put the people first and then worry about the vehicles after. Isn't that interesting? Did you really read that? It says we're interested in the safety of the vehicle. Isn't that interesting? Isn't it sad? Maybe it's my warped sense of priority, but I want the people saved first, then the vehicles. But as I pointed out, I'm assuming the minister meant the people inside of the vehicle, that we want to keep them safe. If that's the case, then I'm all for it.

I've made so many points that I don't want to confuse anybody. I think it's understood that we have some ideas we're going to apply, we have some things we want to do. I am going to move adjournment of the House, Speaker.

The Deputy Speaker: Mr Levac has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour say "aye."

All those opposed say "nay."

In my opinion, the nays have it.

The division bells rang from 1927 to 1957.

The Deputy Speaker: All those in favour will please rise and remain standing until counted by the Clerk.

All those opposed will please rise and remain standing until counted by the Clerk.

Clerk Assistant: The ayes are 8; the nays are 22.

The Deputy Speaker: I declare the motion lost.

The Chair recognizes the member for Brant.

Mr Levac: The bill I was referring to as a private member's bill was Bill 137, An Act to amend the Private Investigators and Security Guards Act to require a minimum level of training for licensees and to require that uniforms and vehicles of security guards be readily distinguishable from those of the police. That bill basically says we need to move toward having our security guards licensed and making sure they can't have any kinds of lights on top of their vehicles that mimic those of the police. This particular section in Bill 191 would allow them to make sure there's a distinction between the two.

Finally, it's now time to relinquish my time to the member from Elgin-Middlesex-London.

Mr Steve Peters (Elgin-Middlesex-London): I appreciate the comments my colleague has made this evening advocating support for the legislation in front of us. I'm very pleased to stand up and speak in support of this legislation here this evening.

It's very interesting to hear the kibitzing taking place across the floor and the comments that have been made about how you don't support agriculture, but I think it's very important to send a message out not only to the agricultural community but to everybody in this province that the time allocation motion we dealt with this evening is effectively shutting down and stifling debate and not encouraging good debate within this Legislature.

This is important legislation in front of us. It's important that we do what we can to provide support for our emergency personnel, be they police, fire or paramedics.

Comments that have been made in the Legislature this evening bear listening to and require us to give consideration to some aspects of this legislation that may require amendments. We know right now that a number of emergency personnel vehicles on the roads do not necessarily have a red light. You will see at times, even with police vehicles, if you're driving down a highway and approaching a vehicle that you would be coming at, some of the police vehicles are using a yellow light now. I think that needs to be taken into consideration with this legislation. We need to recognize, as has been pointed out this evening, that the volunteer firefighters in this province now have a recognizable light on their front dash: a flashing green light. I think we need to incorporate that into the legislation.

As well, consideration maybe should be given to those individuals who operate tow trucks in this province. Three constituents from my own riding three years ago were killed on Highway 401 in the course of doing their duties as tow truck operators.

If we're truly committed to protecting those individuals out patrolling the roads of this province, we need to make this is an all-encompassing piece of legislation. I trust we will be having public hearings on this bill to allow all those individuals who have comment to make about this bill that opportunity to come before a standing committee of this Legislature and make their comments known. I think every one of us wants to do everything we can to ensure the safety and security of those individuals who keep the road safe.

I want to make comment on some things that, when this legislation passes, we need to do. I think a lot of common sense courtesy has been lost by drivers in this province. One only needs to look, as an example, at a funeral procession. I attended a funeral on Thanksgiving Monday for a good friend of mine, Craig Stevens, 37 years old, passed away as a result of an epileptic seizure. Craig's funeral procession was probably three kilometres long. As we left St Thomas and drove to a small rural cemetery, I was amazed by the lack of courtesy of oncoming drivers. Recognizing that a funeral procession is taking place, you should have that courtesy to pull off to the side of the road. We've lost that sense of understanding what a funeral procession is all about.

I sense with this legislation as well that we need to undertake an aggressive education campaign, an education campaign that of course we have to start in the high schools with the driver training program, for those individuals out there providing driver education. We need to ensure that any changes such as those being proposed this evening are incorporated into driver training manuals.

Mrs Margaret Marland (Mississauga South): That you are trying to oppose.

Mr Peters: Who said we were opposing this?

Mrs Marland: Why did you just try to close off the debate?

Mr Peters: I didn't try and close off debate. I came here this evening to speak to this bill.

Mrs Marland: Why did you move adjournment of the House?

Mr Peters: I did not. Mr Speaker, I take exception to that comment. I did not stand up and move adjournment to this debate, so don't say that.

The Deputy Speaker: Order. We can't have this talking back and forth. I will ask the member speaking to address his comments through the Chair. I would ask those other members to get themselves under control.

Mr Peters: I think it's incumbent that when this legislation is passed and receives royal assent, we do everything in our power to ensure that we start to educate the public.

Also, much like when a municipality will pass a resolution on a specific issue and then in turn send that resolution to another municipality and another municipality for endorsement, I think what we need to do when this legislation passes in Ontario is to make the other provinces and states, those that do not have similar legislation enacted—my colleague named a number of US states that have similar legislation in place. I think it would be a very good thing for us to do in Ontario to make the other provinces in Canada and the other American states aware of the legislation we've passed and encourage them to pass similar legislation. What that in turn will do is not only protect police, fire and ambulance and potentially tow truck operators all across this province but start to raise awareness across Canada, across North America, so when an individual crosses the border from Michigan into Canada, they know that those same rules applicable in the state they come from are going to be applicable in Ontario.

I don't think we do enough of that. Legislation that has the unanimous agreement of all of us in this Legislature, legislation that is good for this province, is going to be good for other provinces. So why not follow the example that municipalities pass when they endorse a resolution? Why don't we do a similar thing provincially, of encouraging other Legislatures across North America to adopt similar legislation? That way we develop that consistency across the country.

We hear a lot of comments about advertising and how advertising dollars are spent. My beef has always been partisan advertising, advertising that definitely is of a partisan nature. But I think there is advertising that the government can initiate that isn't of a partisan nature and is not going to be of concern to us in the Legislature. As an example, I've always supported the tourism advertising we undertake in this province, because we all win. It's a non-political issue. This is another piece of legislation that I think would be worthy of advertising, because it's done in a non-partisan way, to protect individuals. That's what we truly need to do.

There are other issues that I think we need to consider. One of my beefs has always been, as a southern Ontario resident—I see my colleague from Nipissing here today. I've always been envious of northern Ontario's use of passing lanes. Why passing lanes have not been used in southern Ontario as they've been used in northern

Ontario is beyond me. I see that the passing lane will work toward reducing accidents on the road, give the driver more confidence of knowing they don't have to take a chance to go out and pass. But we don't do that in southern Ontario.

Gosh, the most dreadful ride is the ride from St Thomas to Fort Erie. Highway 3 is a slow ride. It's a scenic ride—you see some of the finest country in southwestern Ontario—but it's a slow ride. Why we haven't initiated passing lanes, I don't know. Look at the highways in northern Ontario, where they not only have passing lanes, but I can remember the days when they used to have the nice paved shoulder. They've done away with this, where you used to be able to drive along and out of courtesy you would pull over to the side on a paved shoulder and you had a clear path to pass—good, paved shoulders.

We need to ensure that we have adequate shoulders in southern Ontario, of good width, to allow not only the vehicle that's being pursued but that security vehicle, be it police, fire or paramedic, the opportunity to adequately pull off the road. But some of that may require some resources, and those are resources that need to come from the provincial government.

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I look within my own riding, and I'll use Highway 3 as an example. Highway 3 east of St Thomas is still under the control of the provincial government. Highway 3 west of St Thomas has been downloaded to the municipalities. The municipalities have had a number of highways downloaded to them, and the costs to maintain those roads have become quite high.

As we're talking about highways and security and safety, I want to make a point about something that has really troubled me about this government. It deals with the 400 series of highways, and I'll speak specifically of Highway 401. My riding of Elgin-Middlesex-London has 82 kilometres of Highway 401 passing through it. When I leave Oxford county and cross into Middlesex county, it's a three-lane highway, and that three-lane highway exists until just west of Highway 4. But at Highway 4, we go back to a two-lane highway, no longer with a cement median but ditches. Highway 4 just south of Lambeth, from the municipality of Tempo to the Chatham-Kent line, is a two-lane highway.

I think we need to give consideration to widening the 401 in those areas in particular. In the area between the Oxford-Middlesex line and Tempo, we've got good, wide shoulders, but when you get beyond Tempo at Highway 4, the shoulders are much narrower. So I think consideration needs to be given from the Ministry of Transportation's standpoint to extending and widening the 401.

Another issue I would love to see our Minister of Transportation address is the whole question of when Highway 401 is shut down because of emergencies. When Highway 401 is shut down, we need to keep the lifeline of this province. We live in a just-in-time-delivery province right now. When Highway 401 is shut

down, those vehicles must leave the 401, exit the 401, and move on to a county road. I commend the county of Elgin for what they've done in developing emergency detour routes so that we ensure a way for vehicular traffic in this province to get around a shutdown on the 401. But the county of Elgin has never been compensated for their work at keeping this province moving. The county, at their own expense, has erected signs identifying an emergency detour route. The county bears all the costs associated with that emergency detour route. The county of Elgin has undertaken this to ensure that we keep traffic moving in this province, but they have not been compensated for their initiatives by this province. I see that as a real failure of the Ministry of Transportation to recognize the important role the county of Elgin plays in keeping traffic moving within Ontario today.

We need to recognize the important role our emergency personnel play. I think the Minister of Public Safety and Security recognizes that. The minister wouldn't be here this evening if he didn't recognize it. The minister would not have introduced this legislation if he didn't recognize that we have to do everything we can to ensure the safety of our emergency personnel in this province.

I'm proud of the emergency personnel I have within my own riding. I look at the police services that are there, from the OPP to the Aylmer Police Service, the London Police Service, the St Thomas Police Service. I have 11 municipalities in my riding. I have full-time fire services that exist in St Thomas and London. I have volunteer services that exist in the other municipalities. We have ambulance or paramedic personnel stationed in St Thomas, in Dutton, in London. They're stationed in areas just outside of my riding, in places like Tilsonburg and Ingersoll, that all play a role at looking after my constituents. Those are individuals that we need to not only pay tribute to, but it's incumbent on every one of us in this Legislature to do everything in our power to look after their safety on a day-to-day basis.

I want to pay tribute, as well, within my riding, just outside of Aylmer at the Aylmer Technical Training School, which was part of the Commonwealth Air Command that was part of the Second World War that helped train individuals to fly planes as ground personnel, a whole variety of areas. Then back in the 1960s, at the urging of one of my predecessors, Mr Ron McNeil, who served this Legislature and served the constituents of Elgin for well in excess of 30 years—Ron McNeil successfully advocated for the Ontario Police College to be established in Aylmer. The Ontario Police College has played such an important role at training police personnel all across this province.

Hon Robert W. Runciman (Minister of Public Safety and Security): He's talking about Peter North.

Mr Peters: It's way before his time. You're the ones that are trying to get him back.

The police college has played such an important role, and I am pleased that the minister—

Interjection.

Mr Peters: Maybe last time I might have been afraid, but not this time.

I'm pleased that the minister recognizes the important role that the police college plays, even including in his announcements this week that the police college is going to play a very important role in trying to help the police services in this province. It's important that, at the police college level, we train our police officers in the best procedures and proper procedures, and I know that's going to happen. I know that staff at the police college are going to work to train those new recruits at proper methods of pulling over a vehicle that they're pursuing.

But we need to ensure that we take that education beyond the police college, and that we take that education and we put it into the driver training programs, we put it into the classroom, we put it out on the streets so that the public understands. I truly would encourage the minister to take this legislation to public hearings so that we make sure that there are no holes left in this legislation. Like anything that we do in this Legislature, let's make it the best. If there are other amendments, and I know some of my colleagues have other amendments, and colleagues on all sides of the House have amendments for the Highway Traffic Act that they would like to see incorporated instead of an omnibus bill that covers a whole variety of ministries, why not look at some sort of an all-encompassing bill that looks at the Highway Traffic Act?

Speaker, I thank you for the time, and I'm pleased to stand up and support this legislation.

The Deputy Speaker: Comments and questions?

Mr Kormos: I acknowledge, I was a little late getting here. I was down at the Ontario professional firefighters' convention in Niagara Falls earlier today, and then I stopped by St Mary's school in Welland, where they were having a book fair for the youngsters and their families. So I stopped by, I read some kids a story and encouraged them to become interested in reading, and so many of them are. But I walked into this chamber tonight and was struck by the acrimony, the heated exchanges that, quite frankly, embarrassed me a little bit, shocked me. I was frightened by the volatility of some of the members.

Look, the opposition doesn't call the government's bills; it's up to the government House leader to determine the order of business and to prioritize. We in the opposition, in both caucuses, have demonstrated a great deal of interest in this bill and a great deal of support for it. In fact, when I spoke last week and when Mr Levac spoke today, both of us made it clear that we'd dearly love to see this bill go to committee promptly, and get some consideration around amendments. Yes, I would like to hear from the CAA and tow truck drivers, and from the police in response as to whether or not those tow truck drivers with their amber lights should be included. I'd like to hear from volunteer firefighters with their green lights in their vehicles, again, who are in similar positions of risk. But you have to understand, our job is to utilize the scarce debate time allowed us by this government to express the concerns that we have, as we do about this bill, and our support.

Earlier the member, in the interests of creating a short hiatus here so there could be some reflection on the issue around committee hearings, called for an adjournment—

Hon Helen Johns (Minister of Agriculture and Food): What a weak excuse that is.

Mr Kormos: Please—people became incredibly heated and irate. I'm asking folks to calm down. We've got to work together, friends.

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Mrs Marland: Tonight we are debating Bill 191, and we have witnessed the worst example of politicizing and manoeuvring that I have seen on a life-and-death bill. When this bill is passed, it will save the lives of police officers all over this province in all police forces. This Liberal opposition who moved adjournment of the House tonight would have lost us today's debate. How two-faced can politicians be in this chamber—

The Deputy Speaker: I'm sorry—

Mrs Marland: I withdraw it, Mr Speaker.

Everybody knows what it means when you stand up and speak in support of a bill, as the Liberal and NDP caucuses are doing on this bill, and yet vote for adjournment of the debate. The following members: the member for Brant, Mr Levac; the member for Elgin-Middlesex-London, Mr Peters; the member for Don Valley East, Mr Caplan; Scarborough-Rouge River, Mr Curling; Glengarry-Prescott-Russell, Jean-Marc Lalonde; Sault Ste Marie, Mr Martin; Timmins-James Bay, Mr Bisson; and Niagara Centre, Mr Kormos—they all voted to adjourn this House and not get on with this bill so we can start saving lives immediately for our police forces around this province.

The interesting thing is that the member for Brant, Mr Levac, and the member for Niagara Centre, Mr Kormos, are the critics for policing, and yet they do not want to immediately process this bill to its final and third reading and proclamation to save the lives of those people who are protecting us every single day.

This bill requires motorists to move over when police vehicles are engaged.

Mr Caplan: I certainly want to congratulate the members from Brant and Elgin-Middlesex-London for their comments.

Neither of them mentioned that the Minister of Public Safety and Security didn't even bother to get up to speak to this bill. I am shocked that no government member would even want to talk about this bill.

The member who just got up from Mississauga South said, "You've got to get it out and get it done." The government could have sent this off to committee after first reading if they had wanted to. The government could facilitate the business of this House in so many easy ways, yet they choose not to speak to a bill, not to send it off to committee.

We're very interested in talking about this bill. We support not only our police but we support safety on the roads for all drivers, for all pedestrians, for the people who are there. It would be the only responsible thing for any member of this Legislature to do. But there are very

legitimate questions, very legitimate points of view, that need to be heard. We want to hear them at the committee level, and I think my colleagues have indicated that very clearly.

There's a question, of course, of how this bill would even operate, of what speed cars would have to slow down to. When Mr Runciman introduced the bill, he said that it would be a judgment call. Well, that's a very nice thing, but I think there needs to be some clarity around this kind of a point of how an officer would even catch a driver who didn't slow down to whatever that judgment would be. Are they supposed to write up the ticket or adjudicate the accident at the side of the road, get in their cruiser, speed away and catch whoever it is? There are certain practicalities.

We want to understand these things; we want to talk about them. That's a very legitimate and responsible attitude to take. I'm disappointed that no government member would even want to enter into this debate and talk about this matter.

Mr Martin: I want to say that I was sitting here very calmly listening to this debate, hoping to hear some good information that would help me make decisions about what I would support from our caucus in terms of amendments to this bill and how we might improve it so that at the end of the day we all felt that we'd done the best that we possibly could to put in place a piece of legislation, a framework within which police could feel safe doing their job on the road. I listened to the member for Brant, who talked about an issue that this government played politics with around the safety of police officers in this province, which was photo radar.

Photo radar: do you remember that? We brought in photo radar, supported by the police in this province so that we could reduce the carnage on highways, slow the traffic down so that police officers weren't put in danger. What did you do when you first came in here in 1995? You threw out photo radar. Where was your concern then about police officers and killing them on the highways and the carnage on the highways in this province?

The statistics that were coming out the year after and two years after photo radar was put in were absolutely phenomenal, the reduction that was out there for accidents on the highways and carnage. The police were 100% behind photo radar. They thought it was the best thing since sliced bread. They were 100% behind photo radar. They came to committee because when we were government we actually went to committee and listened to people and we received amendments and we allowed some of those amendments to pass through. It didn't matter where they came from. If they were—

Mr Kormos: Five days of debate plus committee.

Mr Martin: Five days of debate, yes, absolutely. When we heard amendments, it didn't matter whether they were from the public out there or the opposition or the government. If it was a good idea, we accepted it and we passed it and made it part of the legislative framework of this province.

What about the fact that you've reduced the number of police officers out there to protect each other as they try

to protect our communities across this province? Literally thousands—we had the chiefs of police in here yesterday and they told our caucus very clearly what they needed. They need more police officers out there on the streets.

Interjections.

The Deputy Speaker: Order. I just wanted to point out that passion isn't any more passionate because it's loud and right isn't any righter because it's loud. There is nothing in our rules that allows any kind of bickering back and forth. Grab hold of yourself; bring yourself under control.

We have had four comments and questions. Now we'll go back to the member for Brant for two minutes of windup.

Mr Levac: As is the tradition of this place, I want to acknowledge and thank the members for Elgin-Middlesex-London, Niagara Centre, Mississauga South, Don Valley East and Sault Ste Marie for their comments and concerns regarding this presentation that I've made.

I want to make it perfectly clear that the concerns raised by the member for Mississauga South have indicated to this place that the bill is now lost and the bill is gone. Quite frankly, I think there was more disruption and concern and consternation about having to bring people out of bed than there was in terms of speeches from members on that side about this.

I had people saying things to me while I was speaking. I had people saying to me, no more than five minutes into my presentation, "Cut, cut; don't say any more. Let it fall. Just go to sleep. We don't want to hear anything more." So I'm disappointed just as much in this particular tactic as I am to see those people who wouldn't allow me to make a presentation on this situation. I had four members approach me, looking at me straight in my eyes, walking right across the House and saying, "Don't talk any more. Forget it. Don't make any comments; don't make any points." So if you want to be upset about it, then be upset with your own members who walked around saying, "Don't talk about what the efficiency of this bill is all about."

I'm trying to provide opportunities to the government in terms of correcting the bill and making it better. I heard a member on the other side simply say, "You guys don't approve of anything we do." What do you know: there is no perfect legislation. There are ideas that need to be cultivated and improved upon. If we can't do that in this place, we're lost. If we think that everybody on that side is absolutely perfect and correct and we think everybody on this side is perfect and correct, we've got it all wrong. We need to enter into this debate with an open mind and simply say, "Let's get to it. Let's offer those amendments, let's offer those suggestions and let's do good legislation for the people of Ontario."

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The Deputy Speaker: The Chair recognizes the minister from Leeds-Grenville on a point of order.

Hon Mr Runciman: This government believes this legislation is an urgent priority and we're prepared to see it referred to committee right away.

The Deputy Speaker: That is not a point of order.

The Chair recognizes the member for Mississauga South on a point of order.

Mrs Marland: Mr Speaker, I would agree to unanimous consent for this to go immediately to committee, which is what the opposition is now asking, after having tried to adjourn the debate, the House. I'm requesting unanimous consent—

The Deputy Speaker: But you have to stop in order that I can put that to the House.

Mrs Marland is asking unanimous consent to move the bill immediately to committee. Is that unanimous consent agreed? It is agreed.

It's my understanding—

Interjections.

The Deputy Speaker: When you get a minute, I'd like to proceed with the business of the House. I'm advised that in order for it to go directly to committee, as has been agreed, it must be approved for second reading.

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker—

The Deputy Speaker: If you'll just have your seat for a minute, I'll recognize you on a point of order after I have researched this a little further.

Interjections.

The Deputy Speaker: If you'll just listen, I think this might clear it up for you. I'm going to standing order 72(a): "At any time before the commencement of second reading debate on a public bill, during 'Motions,' the government House leader may move the following motion, no debate or amendment being permitted, 'That the order for second reading of' the bill 'be discharged and the bill be referred to the standing committee on....'"

Since second reading debate has started, my ruling is that in order for this to proceed to committee, it must pass second reading. I'm going to just ask, if I can—

I'm informed that you need to be informed, that you have to be informed that in order for the unanimous consent that was just requested and just was given, that before you would consent to that you should be aware of the consequences of it, and that is that I then have to go directly to putting the question on second reading of the bill. Because I didn't make all of you aware of that, and I was ignorant of this fact myself, I'm going to ask you once more for the consent on the member for Mississauga South, Mrs Marland—she asked for unanimous consent that it go directly to committee. Now, after you have been informed what the consequences of that are, I am asking, is there unanimous consent for that motion? Agreed? It is not agreed.

Hon Mr Stockwell: On a point of order, Mr Speaker: As I understand it, the House did give consent to go to committee. I appreciate the fact that some members may not have been fully cognizant of what that meant, but it would seem to me implicit that since you gave consent to send it to committee, you would be implicitly giving consent to pass it on second reading.

The Deputy Speaker: If I hadn't already made a ruling, I think that would have been a very proper item to bring up, but we are going to proceed the way I have.

I'm going to recognize the member for Timmins-James Bay on a point of order.

Mr Bisson: I'm at debate.

The Deputy Speaker: I'll recognize the member for Mississauga South on a point of order.

Mrs Marland: Mr Speaker, I move that we proceed with the second reading vote to move this bill, to complete this bill through second reading. Then it can go to committee.

The Deputy Speaker: I want to be sure that I understand. The member for Mississauga South is requesting unanimous consent that this House consider the question on second reading of the bill. Is it agreed? It is not agreed.

Hon Mr Stockwell: On a point of order, Mr Speaker: I'd just like to say that we didn't get consent to send it to second reading, to committee, because the opposition voted against that.

The Deputy Speaker: That is neither a point of order nor a point of privilege.

Further debate? The Chair recognizes the member for Timmins-James Bay.

Mr Bisson: I'm most pleased to participate in this, our leadoff to this particular debate. It is an interesting evening that we've had here. I think the most interesting part was watching the government House leader run into the House at the fastest jog I've seen him run into this place in a long time. I've just got to say that was rather interesting.

I just want to say to the members in the House, especially the government members, that here they are trying to put on this act that they're really mad, that the opposition is holding up debate on this legislation and that somehow or other we're going to prevent passage of this bill. They're making it out to be just an awful thing. But they forget to mention that they're the government that changed the rules in this House. This government changed the rules of this House to the point where this House has become dysfunctional. You guys have to take responsibility for what you have done.

We are at the point now where basically the government controls the entire agenda of the House. They are able to pass a bill in this House in a period of five days. If the government decides, they come in, they do first, second and third reading, the fourth day they do a time allocation motion and on the fifth day they pass this second and third reading. Done. The government accuses the opposition—

Mr Martin: And they don't have the consent to even speed that up.

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Mr Bisson: Yes, this is where I'm going. The government's saying, "Oh, the opposition is holding this up. Oh, poor us. The OPPA and everybody else is going to get a Hansard about all this stuff." I'm saying to the government and I'm saying through Hansard to the OPPA, my, my, what are you guys all upset about? You're the ones who changed the rules of this House. You can do anything you want here in basically a one-week period.

You come in Monday, do second reading; come in Tuesday, do the second day of second reading; come in Wednesday, do the third day of second reading; time allocation on Thursday—bam, you're out of here on Monday.

So don't come to me and say we're holding up legislation on the bill. It's your incompetence in ordering the bills in the House to get this. If you wanted this bill, you would have called it on Monday, you would have called it on Tuesday, you would have called it on Wednesday, you would have had your time allocation on Thursday; you'd have been out of here by Monday of next week. So don't come to us in the opposition and say, "Oh, the opposition. We're sending out Hansards." Send Hansards to yourself.

The reality is that you guys control the agenda, and if you guys can't get your agenda straight and can't figure out how to run the House, don't come in here and start blaming the opposition for your mismanagement. In fact, we came in the House tonight and we were rather helpful, I thought. My good friend from Don Valley East knows I came into the House tonight—

Interjection.

Mr Bisson: Exactly. There were two points tonight where we came into the House—on the first point, we said to the government, "We're prepared to do a quick evening tonight." I said, "We'll each do 20-minute speeches and we'll be done this evening."

Mr Kormos: To expedite the passage.

Mr Bisson: To expedite the passage. The whip said, "Oh, we can't do that. I want you to give me two other bills." I'm going, "Well, come on. Whoa. Give me a break, Doug." You guys can do anything you want in four days, and you want me to give you two bills for what would be a saving of one day? Come on. On top of that, we suggested that we send this bill directly to committee, and the government didn't like it. So don't come to us and tell us that we're holding up the bill. We can't hold anything up here any more.

Imagine if we had rules in this House as it used to be when I first came here. I remember, when I was first elected, a bill would come into the House—

Mr Kormos: That was after the Peterson rule changes.

Mr Bisson: Yeah, yeah. But I just say, when I first came here in 1990 a bill would come into the House, a member could get up and stand as long as he or she chose to speak at debate. There was a case when Mr Kormos spoke for 17 hours on auto insurance—seventeen and a half; make sure he gets the full 30 minutes. Basically, members had the ability as the opposition to really hold up a bill if they wanted to. At the end of the day, what that did, in my view, is that it made the negotiations at the House leaders' meeting a little bit more meaningful. The government wanted to get their agenda passed. They basically had to sit down with the opposition and try to order the business in a way that was acceptable to the opposition, so rather than holding up the bill for a long period of time, maybe there was a bit of to-ing and fro-ing.

We're having a hard time trying to get government members to come in to even participate in this debate. Tonight we haven't had one government member get up and speak on this bill, except for a two-minute comment by the member from Mississauga East or West or whatever part of Mississauga she comes from. Here we are tonight—Mr Speaker, we don't even have a quorum here. I would ask you to check quorum so we can at least get members to come into the House and listen to debate on this every important bill. Mr Speaker, is there quorum?

The Deputy Speaker: Will you check and see if there is quorum, please?

Clerk Assistant: Quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Deputy Speaker: The Chair recognizes the member for Timmins-James Bay.

Mr Bisson: I'm so glad we were able to get some government members who care so much about this bill in here to at least listen to the debate. I implore them to get up and actually speak to the bill.

I was surprised tonight. I walked into the House and fully expected the minister of safety and whatever he does, Mr Runciman, to get up and tell us the reasons why this bill was important, but he didn't even get up. He didn't get up to speak on the bill and it automatically went to the opposition. The government is saying to us that, oh my God, we're not taking this bill seriously. I'd say to the government, you're the ones who are not taking it seriously. You don't want to debate it.

To go back to the first point I made, before I get on to talking about the bill: the government comes in here and cries a big river. They say, "Oh, my Lord, the opposition is holding up debate on the bill." You're the guys who changed the rules in the House. You can have everything you want in four days. Don't come crying to us. Monday, Tuesday, Wednesday, time allocation on Thursday—boom, it's out of here. So don't come to us and say, "Oh, opposition, you're holding it up." I say you have some incompetence on your side. You don't know how to do the agenda of the House.

Do you know what's the worst part? And I know my good friend from Niagara Centre will understand this. We do two sessional days per day. When I first got elected here we had, in one day, one sessional day, and we were able to organize the bills of the House and we had rules that said you can have debate as long as you want on a bill. We got our bills through the House because we sat down and negotiated with the opposition party and the then third party, the Tories and the Liberals, how we would get legislation thorough the House.

So let's get this straight. They don't get one sessional day per day, they get two sessional days per day, and they're saying they can't pass their bills? My Lord, what are the Tories coming to? What incompetence.

Mr Kormos: They couldn't organize a drunk-up in a brewery.

Mr Bisson: Well, tonight they could organize a drunk-up in a brewery probably, but on a normal night

they wouldn't be able to do it. I just thought it was rather a lame excuse for the government to come in here and say we're holding up the bill. We couldn't hold anything up here if we tried. All we can do is hold it for three days. Quite frankly, a number of pieces of legislation take a certain amount of debate. How many times have we seen bills come into this House where the government says to us, "Pass this in one day on unanimous consent."

Interjection.

The Deputy Speaker: Member for Nipissing, come to order.

Mr Bisson: "It's an easy bill. There's nothing to it. It's a no-brainer." And then we raise some issues—

The Deputy Speaker: The Chair recognizes the member for Niagara Centre on a point of order.

Mr Kormos: Mr McDonald doesn't get it. You're the heckler. You're supposed to be making Mr Bisson look stupid.

Hon Mrs Johns: On a point of order, Mr Speaker: I think that's unparliamentary.

The Deputy Speaker: That is not a point of order.

Interjections.

The Deputy Speaker: Order. I'd encourage you to reflect upon your behaviour. I'll give you that opportunity. If you'd rather, I'll reflect on it. If my meaning isn't absolutely clear, let me know.

The Chair recognizes the member for Timmins-James Bay.

Mr Bisson: Thank you very much, Mr Speaker. As I was saying, the government comes in here and says, "You can pass this bill lickety-split." And how many times have we seen the government come in here and say, "We've got this bill. It's a one-page bill; there's not a lot to it. We want to pass this in one day because it doesn't require any debate and it doesn't require any kind of committee time—"

Interjections.

The Deputy Speaker: The member for Oxford and the member for Simcoe North, you aren't reflecting enough. I'll not warn you again.

The Chair recognizes the member for Timmins-James Bay.

Mr Bisson: I was just saying that the government comes in here and says we're trying to hold up debate on this bill. There are a number of occasions where the government has come in here and said we only need one day of debate on a bill because it's so simple. I remember a number of bills the government brought in. For example, there was one particular bill where they dealt with assessment issues. They brought it into this House and said, "We want to deal with this in one day because it's so simple. There's nothing to it and we don't need any committee time." They passed that bill—actually, we held it up for three days. We had a fourth day where we did time allocation and the bill was voted on on the fifth day. Since then, we've had to bring in about four or five bills to fix the problem they had with the first bill.

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There are all kinds of examples where the government has hurried into the House and said, "We've got this bill.

We don't need a lot of debate and we don't need any committee time. Just trust us." After the bill is actually passed and has had an opportunity to be scrutinized by the House and the public, we find out it doesn't do what is purported in the title.

For example, there was the bill that Justice Day commented on, the Victims' Bill of Rights. Do you remember that one? The government brought in the bill; it was a very short bill. They introduced it and called it the Victims' Bill of Rights. The government came in and said, "Oh, the opposition is trying to hold up rights that individuals in the province could get if you'd only pass this bill in quick order and give the people in Ontario new rights as victims." We said, "No, there are problems with this bill. There are things you need to put in it to give it some teeth. You've got to make sure this bill is written in such a way to give the people of Ontario the rights you purport to give them in the Victims' Bill of Rights." The government said, "No, no, you're wrong. You just have to pass this. Trust us." We held up the bill as long as we could. It ended up that the government got their way because they're able to pass everything by time allocation. The bill was passed and eventually it was proclaimed.

Then one day in Ontario, a person tried to claim their rights under the Victims' Bill of Rights and weren't able to get their rights as a victim. They went before the court and Justice Day said, "There are no new rights given in the Victims' Bill of Rights. There is nothing in this bill that gives you any new other rights than what you had prior to the bill being passed."

There are all kinds of examples where the government says, "Pass this bill. It's so important. It's going to do something," but in fact it does exactly nothing that the government purports it's going to do.

I say to the government, take the time to draft your legislation properly. One of the things we need to do around here from time to time is take the time to draft a bill properly and send it off to committee. For example, when they did franchise legislation, there was an opportunity where a bill was referred to committee at first reading. That was a wonderful process, and I give the government full credit for that. Our critic, Mr Tony Martin, who's done a whole bunch of work on the issue of giving franchisees some rights around the contracts they get into with the franchisors, did a lot of work with the other committee members from all three parties in this Legislature to build what was a good bill.

We say that's a good way of doing things. At the beginning, you could say, "Here are our ideas as a government." For example, if we took this red light bill you're doing here, you could say, "We'll send that out to committee at first reading. There will be a chance for the police, for motorists, the CAA and other people to come before us to tell us what they think about this bill, to tell us if they think there are things that are missing or things we may have done wrong in the drafting of the bill." Then, once you bring it back for second reading, you've had a chance to amend the bill and you can have a good

debate at second reading. It wouldn't have to be for very long; because of the rules of this House, you'd only go three days. You'd be able to say, "The government purports to give a particular initiative some weight in law. We've sent it out to committee. There have been some amendments made." You bring it back for second reading and find out at second reading that there are maybe a couple of other things you've got to do, so off to committee it goes after second reading, and eventually you pass what is a good bill.

There are processes we can follow here in the Legislature that would make this place much more relevant as an assembly. At the end of the day, we'd probably serve our constituents much better. I think it's a disservice to our constituents to have a process such as has been established here where government introduces a bill and four days later it's passed. There's no real committee time, no real time to reflect on what a bill should do.

I'm just going to give you a couple of examples on this bill. On this particular bill, I've got to say that what the government is trying to do is a laudable thing. I don't have a problem with what the government's trying to do. They want to improve the safety of emergency workers like police officers, ambulances and firefighters in Ontario by making it mandatory for a vehicle coming upon an emergency vehicle parked on the side of the highway to slow down. That makes some sense; no argument.

Mr Martin: We supported photo radar, and we support this.

Mr Bisson: Yes. We think this is not a bad thing. I'll come to photo radar in a minute because I think that's very relevant to this debate.

We're saying, "That's fine, but we think you've missed a couple of things." For example, there are not only vehicles with red lights parked on the side of the road doing emergency service or providing service to the motoring public out there on Highway 400 or Highway 401 in terms of a vehicle stopped on the side of the road or an accident. For example, we have volunteer firefighters in Ontario. We passed a bill in this House last year, I think it was, that said volunteer firefighters have the right to take a green flashing light and keep it inside their private car so that if they're called to an emergency, they're able to put the green light up on the dash or on top of the car or truck they're driving and, within reason, hurry to where they're going without putting people in danger. We thought that was a good idea.

What happens if the emergency—because in communities that my good friend Mr Martin represents and in communities I represent, in many cases emergency vehicles and emergency workers are volunteers. In many of the communities I represent, Fauquier, for example, Opasatika and a whole bunch of other communities, the emergency response team are not paid people. They're not on full-time staff. My good friend Mr McDonald has the same situation in his part of the province. When you actually call in an emergency, it could be that the closest person to the emergency is a volunteer firefighter. He or she gets a page on the pager, takes the green light and

puts it on top of the vehicle and rushes to the scene of the accident, giving initial service to whatever the emergency is until the emergency vehicle, staffed by other volunteers, comes to the scene of the accident. It's very possible that the first vehicle on the scene of the accident is the volunteer firefighter who shows up in his or her private car. So we're saying, why not extend this legislation, this regulatory or legislative law that tries to protect emergency workers, to that volunteer firefighter?

In fact, there was a tragic situation in Tony Martin's riding of Sault Ste Marie but a couple of weeks ago where a young volunteer firefighter was involved in a vehicle accident on the way to an emergency. I don't know, maybe we couldn't have saved her life by way of this bill; I'm not sure exactly what the circumstances of the accident were. But it's not inconceivable that the first person at the scene of the accident would be a volunteer firefighter. If that's the case, shouldn't we try to extend the same rights to volunteer firefighters that we're trying to give to other emergency vehicles out there responding to emergencies on our highways? I would think that's a reasonable thing to do.

When the government says to me, "Oh, you're holding up the bill and you're not allowing us to pass it," I say we have a responsibility here, all members of the House, to point out ways we can make legislation better. Imagine if we had just given you, bang, first, second and third readings all in one shot on the first day, one fell swoop by unanimous consent. We wouldn't have had the opportunity to raise the case for volunteer firefighters.

I use others. At the scene of an accident, once the emergency vehicle secures the accident scene and the ambulance takes the victims who are injured or in some cases deceased away, what is often the next vehicle to show up? Tow trucks. Are we saying we should not afford the same safety to tow truck operators on the scene of an accident?

I just recount one story—I've seen this a number of times—where I was driving along Highway 400 in September, I think, to bring some office equipment to my office in Toronto. I had my pickup truck and was on my way down the highway, basically driving along with everybody else, and there was an accident that had happened in the northbound lanes of Highway 400. I was in the southbound lanes. I noticed that there was a police officer and then parked behind him was a tow truck, in other words, more on the south side of Highway 400 toward Toronto. The first vehicle you would come up on in the accident was the tow truck. Here was the tow truck on the inside lane trying to hook up the accident vehicle to get it out of there. It was kind of late and there was not a lot of traffic. I'll tell you, I saw one guy slam on the brakes. I don't know how he or she avoided hitting that tow truck that was trying to manoeuvre itself into the inside lane to get that vehicle out.

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In that case—just picture it—you're driving in the northbound lane of Highway 400. The OPP officer was parked further toward the Barrie side of the accident. The

rushing oncoming vehicles were coming from the Toronto side of the accident and the first vehicle they came up on was the tow truck. That tow truck driver, I'm telling you, I swear to God that guy must have jumped about 10 feet to get out of the way. He was getting out of the driver side to walk to the back of the tow truck to do whatever he had to do to hook up the vehicle, and that guy jumped.

Shouldn't we be talking about affording the same kind of safety to people who drive tow trucks and have amber lights on their vehicles by way of this legislation? Again I say to the government, you come to me and say, "Oh, opposition, you're holding up legislation. You're endangering the lives of police officers." I say, "You're going to get this bill in four days." There's nothing we can do beyond four days to get debate on this bill, to hold it up, and we're not even holding it up. All we're doing is trying to make legitimate points. So we're saying, why not extend the rights to people who drive tow trucks in regard to amber lights on tow trucks or any other emergency vehicle that comes upon an accident?

Let's take our time. Let's send this bill either to committee or committee of the whole to do some amendments. We'll be very agreeable as the opposition to limiting the time we send this bill into committee, if you're prepared to give it a few amendments. We basically say in this bill that motorists who come upon the scene of an accident or come upon whatever kind of incident there might be where there are amber lights, red lights or green lights flashing, have got to slow down.

Mr Kormos: Or blue lights.

Mr Bisson: Or blue lights. That's what I mentioned. They have to slow down and do what is called for in this bill when it comes to calming—

Mr Kormos: By how much? How much do you have to slow down?

Mr Bisson: That's the other thing I was going to get to in this debate. Let me get to that in a minute.

I'm just saying that on that particular point, if we can at least afford the same respect to people who drive different kinds of emergency vehicles, like volunteer firefighters, tow truck drivers or whoever it might be with an amber, blue, red or green light. We're just saying, treat them all the same. They're on the scene of an accident dealing with something. You see that light flashing; everybody should slow down and make sure they're not speeding to the point they would endanger the worker or the emergency worker who happens to be at the scene of an accident.

My good friend from Niagara Centre raised exactly a point I wanted to raise: by how much do I slow down?

Interjection.

Mr Bisson: Exactly. This is exactly the point I wanted to make. This legislation says—and this is why I think you have to have proper time for debate—in subsection 159.1(1), an amendment to the Highway Traffic Act, that "Upon approaching an emergency vehicle with its lamp producing intermittent flashes of red light"—and we say we should extend that to others—"that is stopped on a

highway, the driver of a vehicle travelling on the same side of the highway shall slow down and proceed with caution"—what does that really mean?

Mr Kormos: It's so subjective.

Mr Bisson: It's very subjective. You're driving at 140 clicks—you're breaking the speed limit. That's what most people do on Highway 400. I drive at 120 clicks. Oops, I shouldn't have said that. But as I'm going down Highway 400, I've got people passing me at 140, 150 clicks.

Mr Kormos: And some guy's on your tail.

Mr Bisson: I'm telling you, people right up my tailpipe, honking the horn to get me out of the way.

Here's the scenario. Somebody's coming at 140 clicks down Highway 400, heading southbound and they see an emergency vehicle—only a red light because that's the only one they've got to slow down for in this bill. To what point do they slow down? We say "proceed with caution." The driver says, "I was doing 140. I got it down to 120." He slowed down.

Mr Kormos: It's the speed limit.

Mr Bisson: It's the speed limit. What's the point? "What did I do wrong? I slowed down. I wasn't doing anything wrong. I got by there real fine."

Mr Kormos: "And I was cautious."

Mr Bisson: "And I was very cautious," as the member from Niagara Centre says. He was in control of the vehicle. "What's the problem, officer? I didn't do anything wrong."

Mr Kormos: The road was dry.

Mr Bisson: Yes, perfect conditions, dry road, nice day, no rain. Everything was fine.

Do we need to, in some way, try to tighten that up a little bit? I think we do. Exactly what we need to do, I don't know. That's why I would like to have the police and others who are experts come before us and talk about what the speeds should be when we talk about slowing down and proceeding with caution. "Slow down and proceed with caution" with me as a driver might be me going from 120 to 100. For somebody else it might be 120 to 60. I don't know. It's very subjective, and I don't know how that will be dealt with in court.

I didn't hear anybody talk about this one—maybe the member from Niagara Centre did, but here's the other point. We've got the same accident on Highway 400. We're driving northbound on the 400 and we're on our way to Barrie. As you're driving up the 400, you've got a situation where there's an emergency vehicle stopped. A police officer has pulled somebody off on the side of the road to give a ticket. The police officer is out of the car giving somebody the ticket and all of a sudden somebody doesn't slow down.

Mr Kormos: A couple of government members are laughing. Are they laughing about the bill?

Mr Bisson: I know the government members are laughing because they're not taking this debate very seriously. We know that. They haven't gotten up to debate yet. But I want to make the point because there are members of the opposition who are at least listening, and

I want to speak to them. I'm sure there are other people watching through the television services we have here at Queen's Park.

But let's take that scenario. You've got a police officer who has stopped somebody on the side of the road who's giving a ticket. The legislation says that if the flashing lights are on, you've got to slow down. What's the police officer to do? "Oh, God, he didn't slow down." Is he going to jump into the car and chase another car down the highway?

We saw an example just recently where there was an elderly couple killed—where was it? I read in the paper this morning that there was an elderly couple who were killed just south of Ottawa as a result of a high-speed chase that happened in the city of Ottawa. By the way, the police—and I don't fault the police. They were trying to do their jobs. That's not my intent. But the point is, we know we have a problem when it comes to car chases. Far too often, the people who get injured are not necessarily the people being chased or those doing the chasing. They're the innocent vehicles that happen to be out there when somebody runs a red light or goes through a stop sign, or somebody loses control and crashes into an oncoming car or shoves another car somewhere on a freeway.

I'm saying, is this really doable the way we're doing it? Does it mean we have to put more staffing out there? If there are emergency vehicles at an accident scene, the ambulance, the fire truck, the tow truck and the police officer, to make this legislation work does it mean we have to have a second police car ready to do the chase? I don't know. I just ask myself that question. I just wonder how practical this is the way it's written.

Mr Kormos: How many demerit points are we going to give this? Is this going to be more serious or less serious—

Mr Bisson: This is the other part of it. That's under subsection (2) of the bill, and I was going to get to that.

How are we really going to make this work? I don't think an OPP officer or a local police officer in one of the cities or towns across Ontario is going to jump into their car to chase after somebody who didn't slow down when they're on the scene of an accident somewhere in Ontario. I don't think it's going to happen. I don't think the police have the power to say, "I took the licence plate down. I saw that person not slow down. I'm reporting them and I've got their plate number." I don't think that would stand up in court either. I'm wondering how practical.

I've got to say again, government members are in here laughing. They're not taking the time to debate this bill.

Mr Kormos: In that respect, is it going to be vicarious liability?

Mr Bisson: If I knew what "vicarious" was.

Mr Kormos: That's like leaving the scene of an accident where the owner of the vehicle is fined, regardless of who's driving.

Mr Bisson: That's a very good point. We're having a debate in our own caucus about this as we speak. But I

just say to the government, if you think this is really a serious issue, and I think it is, and that it deserves the attention of the House, and I believe it does, I would think the government would get up to debate or at the very least they would listen to what we have to say. But so far, all they've said is that they want this bill and they want it lickety-split. "We're only going to apply it to red lights and we don't worry if the bill's going to work or not." As a responsible member of the assembly, I'm saying, let's do it right. This is not a bad idea.

Mr Kormos: Amend it to make it vicarious liability. That way the police officer could record just the licence plate and the owner would be liable.

Mr Bisson: I didn't know what that meant, but that's basically what I was saying. My argument is that if we're going to have a situation where you've only got the one police officer at the scene of an accident, and we don't want him or her jumping into the car and doing a high-speed chase down the highway to try to catch up to somebody who didn't slow down, then maybe in the legislation we have to give police officers some sort of mechanism to charge a person by way of taking the plate down. Maybe that's something we need to do. I don't know.

Mr Kormos: Sounds like a good amendment, Mr Bisson.

Mr Bisson: There might be a good amendment, but I want to see the OPPA, the chiefs of police and others come in and tell me about this.

Mr Kormos: We didn't get consensus to go to committee.

Mr Bisson: We gave consent to go to committee to deal with this, and the government didn't want to go to committee. I'm a little bit confused about where they're going.

With regard to how this is going to work, I'm not too sure it's going to work the way it is because I know police officers in this province take their job very seriously. They're professionals at what they do. I can't believe that a police officer in the city of Timmins or an OPP officer who is on the scene of an accident, who is the only officer on the scene and sees somebody not slow down, is going to leave the scene of an emergency where they're giving service, jump in the car and chase somebody down the highway, and we're not prepared to give them at least the right to charge the person by some mechanism in a bill that says, "I've got your plate number. You're caught. We're getting you."

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The other issue is that we're saying by way of penalty in this bill, if somebody is charged under this bill—that means the police officer had to get in the car and had to do chase to get the person to pull them over, and again I'm not so sure that's the way I want to do it—there are a couple of mechanisms we come in to in regard to fining. They're saying, under subsection (4):

"Every person who contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable,

"(a) for a first offence, to a fine of not less than \$400 and not more than \$2,000; and

"(b) for each subsequent offence, to a fine of not less than \$1,000 and not more than \$4,000 or to imprisonment for a term of not more than six months, or to both."

What happened to the demerit point thing? It seems to me that's the best way to deal with it.

Interjection.

Mr Bisson: It's by regulation, but I haven't seen the minister come in and talk about regulation.

Mr Kormos: I'd like to hear it.

Mr Bisson: That's what I'm saying. I'm saying to the Minister of Public Safety, or whatever they call his ministry these days, it seems to me that the reason people don't do things is the fear of getting caught. I'm not convinced that people think they can get caught if they don't slow down. And if they do get caught, 400 bucks without demerit points—most people can afford the loose change. They'll pay the fine. But 400 bucks and three demerit points: "Ooh, that hurts my insurance."

Mr Kormos: It should be seven.

Mr Bisson: That's my point: three points or six points or whatever, because we all know that if you get charged and you lose demerit points, the insurance person is going to get you at the end of the year.

So I raise the issue. I want to have this debate. I want the government members to get up and tell me what you think of this. Shouldn't we be adding demerit points as a way of offering some sort of deterrent to the action of not slowing down, should you come upon an emergency vehicle?

Mr Kormos: We're getting pretty close to a quorum call. Not yet, but close—as soon as Mr Martin and I leave.

Mr Bisson: That's right. I need that to happen.

Anyway, I say to the government members who are saying, "We don't need a debate. We don't have to deal with this," that it's a good bill, not a bad idea, laudable goals, a step in the right direction—I give you full kudos for it—but I don't think we've thought this out.

I just want to get back to the issue of what happens in regard to the attention people give to this bill. The government says, "Boy, we need to have real debate when it comes to this bill." The government takes this bill so seriously. They say, "This is such an important bill." I saw them do backflips in this House today because they were so concerned about the bill, and they can't even hold quorum in the House.

Mr Speaker, can I ask you, is there a quorum in the House?

The Deputy Speaker: Would you check and see if there is quorum?

Clerk Assistant: Quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk Assistant: Quorum is now present, Speaker.

The Deputy Speaker: The Chair recognizes the member for Timmins-James Bay.

Mr Bisson: I'm going to make a proposal to the government that we put an amendment to this bill. I hope the

government takes this suggestion as a friendly amendment, because it's an amendment I would like to bring to this bill, should this bill actually make its way to committee. I think we need to have a clause in here for vicarious liability. I'm going to go back and explain what that means.

If you have an accident somewhere in Ontario and there are emergency vehicles present at the scene of the accident or the incident, whatever it might be, and somebody doesn't slow down, I don't believe that we, as members of the assembly, want to force a high-speed chase on some municipal road or some highway in Ontario. One of the ways of ensuring that we don't encourage a high-speed chase is to give in this legislation a mechanism that allows the police officer to take the plate number of the car that slowed down and to issue a fine or issue a charge, I would argue, by way of charging the vehicle that went by, as we did with photo radar with failure to remain at the scene of an accident, or when it comes to red light cameras.

We already have the precedent in law that says, "If a car jumps a red light and has a picture taken by way of a red light camera," that we've passed in this House before—if a police officer sees a car leaving the scene of an accident, or for that matter a member of the public sees somebody leave the scene of an accident, you can register the licence plate number. The police officer is able to issue a charge and eventually a warrant, depending on what happened, to take action on that based on just taking a licence plate number.

I would argue, probably as an issue of public safety—and I'm sure the Minister of Public Safety doesn't want to encourage high-speed chases on our highways—we need to put a vicarious liability clause in the bill. That way we can ensure that the police officers or the emergency workers on the scene have the tools necessary to do the job of taking care of the emergency situation they are attending to and can at least write down the plate number to later on go after the person who didn't slow down at the scene of the accident.

Here's the other issue. This is the point I wanted to make before we end the debate tonight. What happens if the first on the scene of an accident is just an ambulance, and a police officer for whatever reason doesn't show up? What happens? The ambulance driver and his or her partner or the paramedics or the fire department are at the accident scene and are ministering at the scene of the accident, and the police officer isn't there yet, and all of a sudden, whoosh, the car goes by—

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): How does that go again?

Mr Bisson: It was "whoosh"—it almost hits the emergency worker on the side of the road, as the car doesn't slow down. What's a paramedic to do—jump inside their truck and chase the guy down the road? Certainly not. They don't have the right to do that. But if we had a vicarious liability clause in the bill, the emergency worker could say, "Ah, look at this. Here's the licence

plate number of the person who didn't slow down. When the police officer shows up at the scene of the accident, we will give them that plate number and we will be able to issue a charge based on the plate number."

That way you don't have to have the police officer on the scene to make this legislation work. The emergency workers don't have to jump in their vehicle and try to chase the person down, leaving the scene of the accident themselves—which they would never do, obviously, but that's sort of what the bill entails them to do—or when the police officer shows up, say, "Don't stop here. Go after that guy," because then you're encouraging a high-speed chase somewhere in a town, city or highway in the province.

Over the years we've had a number of incidents that were very unfortunate. Police officers have been put in a position where they've had to give chase to somebody who might have blown a stop sign or left the scene of an accident or done something they thought was suspicious. They've taken off after the individual driving the car and there have been accidents where innocent bystanders have been killed. Every time that happens we say, "Oh, how are we going to deal with this? This is such a terrible thing."

I say to the government members that one of the ways we can deal with this is to put a clause in the bill that says that police officers or emergency workers on the side of the highway, or a member of the public who happens to be on the scene of the accident, can take down the plate number of the person they saw putting the emergency workers in danger by not slowing down their vehicle, so that later on they can issue a charge under this bill, under section 159.1(1) of the Highway Traffic Act, and deal with it.

Hopefully the Minister of Public Safety would be able to accept such an amendment, that I think would go a long way to making sure that not only the police officers but other emergency workers on the scene of an accident are made safe, and at the same time not putting the motoring public in danger by the police officer having to chase down the car to give the ticket in the first place.

I think I know what's going to happen. Most police officers—because all the ones I know are responsible—are not going to give chase. I don't believe they will. I look at my friends on the Timmins police force and the OPP up in my area who are doing the policing in our communities, and I don't believe one of them is going to give chase unless there was a really flagrant violation of the law. It would have to be pretty bad for an OPP officer or Timmins police to jump in their car and take off after somebody if they happen to break 159.1 (1) of the Highway Traffic Act. I think one of the ways to do it is to do as we had suggested: do a vicarious liability clause inside the bill. I've learned something tonight by going into this debate on that one.

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The other thing that I want to say, and we've made the point before, is the issue of penalty. The government seems to think that the only way you can do penalty is by

either charging a person a fine or giving imprisonment. That is one way of doing penalty, but there may be other, more effective ways of giving penalty to people that happen to break this law. One way to do that is possibly by adding some demerit points, three or six demerit points for the offence. The more I think about it as we get into this debate, probably six or seven demerit points is better than three. If people know it's against the law and they can lose demerit points for not having slowed down at the scene of an accident for an emergency vehicle, I think they are less likely not to slow down.

Mr Kormos: It's a reflection of the seriousness of the offence.

Mr Bisson: Exactly. The member from Niagara Centre makes the point well: it's a reflection of the seriousness of the offence and how seriously it has to be taken by the driving public to be able to deal with this.

Mr Tony Ruprecht (Davenport): On a point of order, Mr Speaker: I am delighted to introduce to you and to this House my good friend Aldo Sforza and a small delegation from South America. Let's welcome them.

The Deputy Speaker: That is not a point of order, but welcome to our Legislature.

The Chair recognizes the member for Timmins-James Bay.

Mr Bisson: He needs a geography lesson; they're from Italy, not South America, Italy and Colombia. Now we've got it straight. We have visitors from Colombia and Italy, and I know that people driving in Colombia and people driving in Italy would be very interested in this bill. That's why they've come here to lend support to what I'm saying, because in Italy and in Colombia they're saying that this is an important issue. We need to make sure we have a bill that works so that at the end of the day police officers and other emergency workers are safe, that there's some mechanism to deter people from committing this offence in the first place, and that if there is an offence, there's a mechanism for police that doesn't involve a high-speed chase.

On the high-speed-chase issue, I just want to say again that it's really a problem in many of our cities that, unfortunately, police get put in the position of having to give chase to a car, for whatever reason. Far too often, as I mentioned earlier, people are put at risk or actually killed because of the high-speed chase—not the fault of the police officer, I would argue, but because they're trying to give chase and the car they're chasing does something, runs into another car, jumps a red light, runs over a pedestrian. One of the things we really need to think about as legislators is trying to find ways to minimize high-speed chases. One of the ways that you do that is by putting the amendment to the bill that we suggest that doesn't force the police officer to jump in the car and pursue to charge the individual.

If government members took this bill seriously, as I think they should, I would have heard comments from the minister on this particular part of the bill. He would have told us why he has decided we don't have to have those types of amendments in the bill. He would have

responded and we would have been able to reflect and say, "Maybe there's an issue we didn't look at. Maybe there's a reason he omitted other suggestions that were made in the debate about the bill we're having tonight."

I just hope, as we come back to the third day of second reading of this bill, that we're going to actually have the minister get up and speak to this bill and give us some indication of what he thinks about some of the amendments we put forward. The amendments are very simple, as we said. First, we think you should include all vehicles that come upon the scene of an emergency, be it a red light, a green light, a blue light, or an amber light. We need to protect all those various classes of vehicles and workers, emergency workers and others, who come upon the accident so we make it safe for them to do what they have to do on the highway when they're assisting at the scene of an accident. Second, we have to have a mechanism that allows the police officers to make the charge without having to jump in their car and run down the highway and do a high-speed chase to catch the individual.

Hon Mr Stockwell: When you jump in your car, you're not running, Gilles.

Mr Bisson: Well, he has to run to the car, jump in and then drive. That's very good.

Anyway, we need something that doesn't force the police officer to jump in and make chase, some sort of amendment that says that when it comes to failure to remain at the scene of an accident, a member of the public or an emergency worker or police officer writes down the licence plate. We charge the car and we figure out who was driving it after.

The biggest thing is that we try to create a deterrent in the first place. There's one thing I've come to appreciate. If people think there's a chance of getting caught, they're less likely to break the law.

Mr Kormos: The greater the likelihood of getting caught, the greater the likelihood of compliance.

Mr Bisson: Exactly. A good example of that is what happened when we introduced photo radar. Everybody slowed down. With photo radar, if people thought there was a chance they were going to get caught, they slowed down. Why? Because they knew they could get caught.

So I'm saying, if somebody's driving down the road and knows there's a law that says you can lose six points for not slowing down when you come upon the scene of an accident and there are emergency vehicles or other vehicles with flashing lights, they're going to slow down.

To the government members, there are a number of amendments we've put forward that I think are fairly important. I've got to mention this. The other day I was with Michael Prue, the member for Beaches-East York, driving to a meeting on Dufferin, up by the 401, and exactly the same thing happened. There was an emergency vehicle beside the road and somebody—I don't know why they weren't paying attention—almost clipped the guy as they went by. This bill probably would have been a good thing. If the government had taken the time to introduce this earlier, we could have done this in four

days, and if we had had the amendments that we're suggesting in place, maybe we would have been able to prevent what potentially could have been a fairly serious accident up in the Dufferin area where I was with Mr Prue the other day when we were attending a meeting.

I know I've still got a fair amount of time left and I'm going to get an opportunity to come back to speak to this tomorrow. I hope the government calls this bill tomorrow. I think this would be an excellent bill. In fact, I'm going to the House leaders' meeting tomorrow and I'm going to ask the government to order up this bill tomorrow. I don't care if it's tomorrow afternoon or tomorrow night. I want to know that the government is serious and will call this bill tomorrow, because that will be the third day. I also want to know how much time they're prepared to give at committee so we can deal with this.

Interjection: One hour.

Mr Bisson: We don't need a lot of time in committee, I would argue.

Mr Kormos: More than an hour.

Mr Bisson: More than an hour, because it will take longer than that to do the amendments, but we need some time in committee to propose the amendments we think we need.

I look forward to going to the House leaders' meeting tomorrow and meeting with the government House leader, with him telling me that they feel so seriously about this bill that they're going to call it tomorrow for third reading and then next week we're going to have an opportunity to deal with it at committee so we can put forward our amendments, and then that they're going to bring the bill back next week. So by the time we leave for the Remembrance Day break, police officers and other emergency workers across Ontario will have the confidence of knowing they have a little bit more safety when they're at the scene of an accident. I know the government House leader and the government whip are going to support me in my request tomorrow that we debate this bill tomorrow afternoon, that we go to committee next week to deal with the proposed amendments, that we get third reading started and hopefully finished by Thursday of next week. I think that would be a really wonderful thing.

Mr Speaker, seeing that it's almost 9:30 of the clock, I would suggest we adjourn the House and come back again tomorrow to finish this most important debate.

The Deputy Speaker: A wonderful idea. It being 9:30, this House stands adjourned until 10 am tomorrow.

The House adjourned at 2129.

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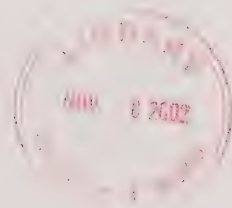
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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 31 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 31 octobre 2002

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

SLOT MACHINES

Mr Monte Kwinter (York Centre): I move that, in the opinion of this House, the Eves government should hold a public inquiry into the granting of up to 800 slot machines to Picov Downs.

The Acting Speaker (Mr Michael A. Brown): The member has up to 10 minutes for his presentation.

Mr Kwinter: I come to this issue with some experience. In 1986, as Minister of Consumer and Commercial Relations, I initiated the racetrack assistance program. The reason for that was that racetracks were in big trouble. They were having difficulties because of lotteries, charity bingos and the aging population of their normal client base, and they found that it was getting more and more difficult to function. This race track assistance program allowed them to do some marketing and to upgrade their facilities so that in fact they could attract a new clientele. That was very, very successful, and as a result of that particular initiative, I have maintained a consistent relationship with the industry, because I felt that I had a stake in turning it around.

In 1998, the government decided to address a further problem that the racing industry was having. The problem was they were now competing with the mega-casinos in Niagara, Windsor and Rama. What was happening was that the racing industry, which used to be the only legalized gambling in Ontario, was now finding it was more and more difficult for them to compete. So the racetrack slots initiative was put into place in 1998. The rationale was quite simple: there was gambling already taking place there. It would not upset, if you want to call it, the gambling ecology of the area, in that you would not be injecting a new gambling facility; it would just be enhancing the gambling facility that was there. That was good for everybody: the municipality who got a share of the profits; the racetrack industry, because they got money that allowed them to enhance their purses and their physical facilities; and of course, the big winner was the provincial government, who got a great deal of revenue from that.

There was a program put in place, and the 16 racetracks in Ontario were all allotted slot machines based on

their performance and the wagering that took place. It ranged from a high for Woodbine Entertainment, which did \$569 million-plus in wagering last year, getting 1,700 slot machines, to the very smallest slot machine operators in the province, ones like Woodstock, Dresden, Clinton, Hanover, which each got 100. In between there were varying other amounts but that was the range: 100 to the smallest and 1,700 to the largest. That was the program and it continued until the year 2000.

At that point, there was a feeling that maybe the gambling had reaching the saturation point in Ontario, so Management Board issued a directive on a fact sheet. It says: "On April 19, 2000, this government announced our three-year plan for gaming in Ontario. As part of that plan, we announced a three-year pause in the expansion of new charity casinos, new commercial casinos, and charity casinos at racetracks in the province." It went on to say that there was "a pause in implementation of slot machines at racetracks as of March 31, 2000, until the impact of this program can be thoroughly assessed," and it also says that "16 racetracks met our requirements to host a slot machine facility. Nine facilities have already opened and the remaining seven to open at a later date."

All of these facilities were opened without a referendum. They were all done by ministerial zoning orders, and I have no problem with that. I'm just saying that that was the way it worked and that is why Woodbine, which is in the city of Toronto, has slot machines even though the city of Toronto held a referendum that turned down gambling for Toronto. But because of the special nature of racetracks they were able to allot the slot machines based on these ministerial zoning orders. That is what has happened.

The interesting thing about it is that when that particular Management Board fact sheet and announcement was made, the Chair of Management Board was interviewed by Richard Brennan on Tuesday, June 20, 2000, and he said: "Management Board Chairman Chris Hodgson announced a three-year moratorium yesterday on all types of legalized gaming expansion, suggesting the province has nearly reached the saturation point." The announcement "covers the period from July 1 this year to March 31, 2003...."

"There are 8,812 slot machines in 16 racetracks, leaving two—one in Ajax and the other in Belleville—that will not be getting them for three years.

"Hodgson also said the province will not entertain any requests from racetracks until April, 2003, to become full-blown charity casinos...."

"Ron Barbaro, chair and chief executive officer of the Ontario Lottery and Gaming Corporation, said research found 83% of adult Ontario residents have access to legal gaming.

"Barbaro said the research ... consultants showed the only spot left in the province where gaming is hard to find is in eastern Ontario."

Subsequent to that Management Board directive there was a change. There was an amendment that was made—it was not announced, but it was made—that racetracks were reduced from a three-year moratorium to a two-year moratorium. The interesting thing about it is: why would it be necessary to change a moratorium on allocating slot machines to racetracks from three years to two years when the only two racetracks in Ontario that do not have slot machines were deemed to be unsuitable candidates by the Ontario Lottery and Gaming Corp?

That's the first question: why was it done when the only possible beneficiary was this tiny, tiny racetrack? And when I tell you about "tiny," I just want to give you an example. As part of this initiative there is money to come back into the racing commission for its operation, and this is done by monthly track fees. Woodbine Entertainment pays, on a monthly basis, \$237,239 for their monthly track fees. Picov Downs, which barely is even a racetrack—it doesn't even have a full oval and it only does \$281,136 a year—their monthly track fee is \$117. There are people in Toronto and Ontario—we hear about it every day—whose hydro bills are more than that every month.

1010

Mr Dominic Agostino (Hamilton East): Every week.

Mr Kwinter: Every week. Here is a racetrack that is paying \$117 a month in track fees. As I say, it's a joke.

Why was the moratorium lifted? The Attorney General, in discussing the issue of the moratorium, said, "I've since been advised otherwise. Indeed, it was a two-year moratorium.... I would refer him in particular to a letter dated July 21, 2000, in which Jane Holmes clearly indicates that it is a two-year pause. That's straight from the horse's mouth." That was on September 30.

On October 10, 10 days later, the Attorney General, referencing the same letter's claim, "confirmed that the expansion of slot machines at racetracks was not covered by the three-year moratorium." He went on to say, "That moratorium was not to apply to slot machines at racetracks." It's simply not true.

I've read to you the directive from Management Board. I will tell you about other documents that have been put out. Nobody, other than the Attorney General, is questioning that it was a two-year moratorium. I would suggest that, when he says it comes "straight from the horse's mouth," his statement doesn't come from the horse's mouth but rather from the other end of the horse.

When we get to the situation of the end of this moratorium, which was in March, we had a letter sent to the operators of Picov Downs, and it spells out some very troubling procedural events that I will be talking about later. But there is no question in my mind that there are

enough questions out there that absolutely must be addressed by a public inquiry, because without that we're going to have a situation where the process is being perverted, where there are severe questions of ethics. I think it's important we support this motion.

The Acting Speaker: Further debate. The Minister of Enterprise, Innovation and—

Interjection.

The Acting Speaker: I'm sorry. I always have trouble with that one, Minister.

Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation): I have trouble with it from time to time. It's the great new Ministry of Enterprise, Opportunity and Innovation.

I speak at this time of course in my primary duty as the representative of the people of Whitby-Ajax in the great region of Durham, a region about which the member opposite quite clearly knows very little and cares very little.

He and his Liberal colleagues care very little about anything except their friends in the city of Toronto, in particular the member opposite who just spoke and his friends in the horse racing industry who have been his friends, he says, since 1986. Good friends and financial supporters they are of the member opposite.

He doesn't care about Durham region and he doesn't care about economic development in Durham region. No, he says all the other racetracks in Ontario should have slot machines, and 14 out of 16 do. He started that process and he's proud of it. But not Durham region; no, not the 500,000 people of Durham region. They should go to his friends' racetracks in Toronto. The people of Durham region should be denied by the Liberal Party, by the member opposite who just spoke, that sort of entertainment opportunity, he says.

Why does he say that? Is this about integrity or ethics? He says that. He knows that's not so, even though he didn't say this. He knows this matter was raised by me with the Integrity Commissioner of Ontario. He knows the Integrity Commissioner was satisfied with the way it was handled. He knows that, but he doesn't say that.

It's not about ethics or integrity—perhaps his ethics and his integrity, given his financial backers, and we have the list here. We know who's been backing him financially in the horse racing industry since—what was it the member opposite said?—1986. We know that. So it's not about ethics.

Is it about contributions to political candidates? No, it's not about that. We have a system for that in Ontario. We have a disclosure system in leadership campaigns. That's how the member opposite knows where the financial support came from, because all of us obeyed the law. We support the law. We disclosed who has given us financial support during the course of our various political campaigns in the province. So it's not about that.

It's not about ethics and it's not about contributions to political candidates. Is it about the number of slot machines? No, it's not about that either, because he knows that the decision, as the Attorney General has

explained in this place, was up to a certain number and that that decision will be made in the normal course, following the normal processes, by the normal commissions. He knows that too. So it's not about that.

So what is this about today? Is it about finances? He says he has some experience in these matters. The window to the truth is that, I think when he says he has some experience, yes, he does. His experience was against Durham region. His experience was to give nothing to Durham region. Even today, what does he call our racetrack? He calls it "barely a racetrack." That's what the member opposite says. He demeans Durham region. He demeans our facility.

What's wrong with Durham region participating in this entertainment business in Ontario? Why is the member opposite so keen on denying the people of Durham region this \$5-million investment opportunity? Why is he against the council of the town of Ajax? Why is he, the member opposite from Wilson, against the regional municipality support? Why is he against the people of the town of Ajax, who in a referendum voted to support this? Why is he against all of those things?

If we look at the record, when he was a minister in government from 1985 to 1990, the Liberals ignored Durham region: no expansion of highways; no MRI machine; no university certainly, which we now will have in Durham region, the new University of Ontario Institute of Technology. Durham region matters to the Conservative government of Ontario, first led by Premier Harris, now led by Premier Eves.

Is it any wonder that every member from Durham region in this place is a Progressive Conservative? There's not a Liberal elected there. The member opposite—I thank him for this—is ensuring there will not be a Liberal elected there for a long time, because he goes out of his way to advocate for his friends, his financial supporters, not looking at the interests of the province of Ontario, oh no, looking at the narrow interests of his supporters in his part of the racing industry in his region of Ontario.

The Liberals are against Durham region. They've ignored Durham region. They have not reached out to support a business enterprise, an entertainment location, that is supported unanimously across the region.

Mr George Smitherman (Toronto Centre-Rosedale): Unanimously.

Hon Mr Flaherty: It is unanimously when you have the town council, when you have the economic development people, when you have the people themselves voting in a referendum.

The member from Rosedale is against it too. Am I surprised? No. What does the member for Rosedale care about Durham region? He's another Liberal who thinks the sun rises and sets on their ridings in the city of Toronto, like the member from Wilson. So we have two of them now this morning going against the people of Durham region.

It'll be a long time before a Liberal gets elected in Durham region. I invite the member opposite from

Wilson, if he doesn't think so, to come on out to Durham region and talk about this. Come on out and meet with the people in Ajax. Come on out to Harwood Avenue and Westney Road. Come out and talk to the people and see if you maintain that view you seem to have that you know what's good for economic development in Durham region better than the people of Durham region do.

As I say, this isn't about conflict of interest. That's been dealt with by the process we have, which the Liberals don't have in Ottawa. We have a meaningful process here, but his friends in Ottawa don't have that kind of meaningful process. We have an empowered Integrity Commissioner in Ontario who reports to this Legislature. It's not about our system of disclosure of political contributions, which works and works well in the province and which is the right system to have. It's not about the number of slot machines. What it is about, quite frankly, is a member of this House demeaning himself and demeaning this House by advocating for special interests in his particular region and ignoring the needs of others in this province, in particular, the people I'm proud to represent from Durham region.

This is a good project for Durham region. I know the member opposite is against it. I know the Liberals are against it. I'm for it. I'm going to continue to fight for it. It's good for my people in Durham region. It's good for our economy. We're just as important as your special interests in Toronto.

1020

The Acting Speaker: Further debate?

Mr Kwinter: I have to refrain from laughing out loud at this minister's protestations about what was going on.

Just to put the record straight, OHRIA, the Ontario Horse Racing Industry Association, is opposed to this. It's not a Toronto-centred organization. It represents the 18 racetracks in Ontario. They have said that the allocation of up to 800 slot machines is inexcusable; it is grossly disproportionate. They have said that.

Hon Mr Flaherty: Who controls the racing days? Your friends. You know that.

Mr Kwinter: You appoint the racing commission. What are you talking about?

Hon Mr Flaherty: You're just defending your friends. You should be ashamed of yourself.

Mr Kwinter: Let's just talk about what is happening here. The member talks about this great support in Durham. He doesn't say there was a referendum to bring a charity casino to Durham that was defeated. Another referendum was introduced to put in racetrack slot machines, and it was passed by 54%. This has absolutely nothing to do with the people of Durham. It has to do with the process; it has to do with what has happened.

The minister says this was approved by the Integrity Commissioner. He certainly must have that in writing; I can't believe it was done orally. Would he please table that clearance right now? Would he show me the document that says the Integrity Commissioner heard you make an approach and say, "Somebody who's got a matter before cabinet is planning to give me an \$80,000

contribution. Is it all right if I accept it and still be in cabinet?"

Hon Mr Flaherty: You should be ashamed of yourself.

Mr Kwinter: You should be ashamed of yourself. Where is the document that says—

Hon Mr Flaherty: I'm not listening to this. You should be ashamed of yourself, Monte. You're a better man than that.

The Acting Speaker: Order, Minister. The member for York Centre has the floor, and only the member for York Centre. The member for York Centre will speak through the Speaker.

Mr Kwinter: Again I challenge the member: if he has a clearance from the Integrity Commissioner—I don't deny it—let him show it to me. Let him show me in writing that he has that clearance.

Now, the Attorney General consistently says that everything is done by the book. The facts are that the letter that was sent on April 10 by Tim Hudak to Norm Picov was unique. Of the 16 tracks that received slot machines, not one received the letter from the minister; they received the letter from the chairman and chief executive officer of the Ontario Lottery and Gaming Corporation. Under the process—and the Attorney General keeps insisting regularly: "This is an arm's-length process; it has nothing to do with us. You will deal with the Ontario Lottery and Gaming Corporation. They will make the recommendation. They will make all the arrangements."

So what happens? The minister says, "I am writing to advise you that the OLCG"—the Ontario Lottery and Gaming Corporation—"has been directed to begin discussions with you for the establishment of a slot machine facility, with up to 800 slot machines, at Picov Downs." There goes the arm's-length, independent gaming corporation. They have been directed by cabinet to do it.

What as the result of that? Ron Barbaro, the chairman, refused to send the letter. The deputy minister refused to sign off. So what do we have in the dying moments of the former government? The day before the power shifted to Ernie Eves, we have the minister, a strong supporter of Mr Flaherty, putting together a proposal, sending it out and saying, "You're going to get 800 slot machines."

Hon Mr Flaherty: You should be ashamed of yourself. You should put a bag over your head.

The Acting Speaker: The minister will withdraw that. And if he continues, he will be named.

Hon Mr Flaherty: I withdraw.

Mr Kwinter: I have a question. If there is a possibility—and I can tell you the Attorney General has said on four separate occasions, "We may not give them any. They may not get any." When you talk about doing a disservice to the people of Durham, their member stood up at a press conference and said, "This has been approved. We're going to get up to 800 slot machines." The council was delighted. Everybody was happy. This was a great day for Durham. Now the Attorney General

stands up and says on a regular basis, "We may not give them any. We may not give them any slot machines."

Interjection.

Mr Kwinter: Talk about how you can go back to Durham—I'd be happy to go back to Durham and defend my position. But if they're going to get no slot machines, you're going to have a problem going back to Durham. They've already been dancing in the streets; they've been told they're going to get them.

Why do we have this situation with the Attorney General saying they may get one, they may get two, they may get four or they may get 10? It doesn't make any sense. If you can't give them 100—

Hon Mr Flaherty: OHRIA says 200.

Mr Kwinter: I'm saying the number is between zero—

Hon Mr Flaherty: Your friends say 200.

Mr Kwinter: You give them none or you give them between 100 and 800. I have no quarrel with that. But don't muddy the waters by saying, "We may give them none, we may give them two, we may give them four, we may give them six." You can't give them six slot machines. What are they going to do with them? Mr Picov will set them up in his living room and invite his friends to come in and play the slot machines. You can't do that. You've got to give them a minimum—

Hon Mr Flaherty: You just get right down there. Why don't you get down on all fours? What a low-life.

Mr Kwinter: Mr Speaker, that's out of order.

I just want to give you some comments. I want to quote Mr Picov.

Interjection.

Mr Kwinter: One has nothing to do with the other, and you know it.

Mr Picov stated, when asked about giving the \$80,000 to Mr Flaherty, "One has nothing to do with the other. I am not political. We're not political at all. My sole motivation is that I would like to see a Premier from the Durham region." If you say that, why, after he gave Mr Flaherty's campaign an \$80,000 non-tax-receipted contribution, did he then give \$10,000 to Ernie Eves? If he was really planning to make sure that Mr Flaherty became the first Premier from Durham region, why did he give Mr Eves \$10,000? It doesn't make any sense.

I want to quote from an article in the Toronto Sun, not exactly a supporter of the Liberal Party and basically the house organ of the Conservative Party. Here is a quote from Hartley Steward: "Only a fool would believe our politicians don't understand their part of the deal when they take a \$100,000 donation from someone running a business in their jurisdiction. That donor, some day, is going to show up on your doorstep with a favour to ask." That's from Hartley Steward of the Toronto Sun.

When we talk about problems, here's an article that appeared in the Globe and Mail on September 28, 2002, written by Murray Campbell. He starts off talking about the Conservative Party: "It was a bad week for them—a terrible, horrible, no good, very bad week. The bad news got magnified and the good news got buried.... For Mr

Flaherty, the problem was he received \$80,000 in donations from a racetrack operator looking to win government approval for lucrative slot machines."

Mr Flaherty keeps trying to portray that I have something against the people of Durham. I have nothing against the people of Durham. I wish them well. If they want to get slot machines, do it, but don't do it through the back door. They had a referendum for a charity casino, and it was turned down. They then thought, "Do you know what? We can actually put slot machines in through the racetrack route. Let's do that. We don't have to do anything." In theory, they didn't even have to have a referendum. But they did have one, and it passed by 54%, a majority without question, but it's only a yes or no sort of thing so it's not resounding, unanimous consent. So we have a situation where what they couldn't get through the front door they're trying to get through the back door.

The question it also begs is why a decision that was finally reviewed and approved by cabinet last December, almost 11 months ago, has yet to be implemented. Why didn't you give them the slot machines? There is obviously a problem.

1030

If any of you watched Fourth Reading with Susanna Kelley when she had leaked cabinet documents and she talked about the Premier, and she said that at a cabinet meeting the Premier said to Flaherty, Janet Ecker and Tim Hudak—this is her report, her words, not mine—he had Janet Ecker in tears and he said, "I am not an effing crook." When Steve Paikin said to her, "Did he actually say effing?" she said, "No, he said the whole word." So what we have is a situation where the Premier is obviously disturbed by this thing. There's obviously a problem with this, because why hasn't it been implemented when it's been kicking around for over a year? Why was all of this done without any regard to what is the intent of this program?

Again, I haven't been trying to attack Mr Flaherty personally. That's not my style, and you know that. I am trying to deal with a situation that has to be addressed. One of the interesting things about it, in an interview with Robert Benzie in the National Post, Mr Flaherty said he finds it unsavoury that I would be even asking these questions. Talk about unsavoury—the aroma that is emanating from this particular proposal is really unsavoury and it requires answers. I wish the people of Durham well. I wish they would have—go out and give them 800 slot machines. Don't pervert the system, don't distort what is happening, because if they were to get 800 slot machines, then the people in all of the other tracks that only have 100 would say, "This is ridiculous. Why would you possibly give them 800 when I do 200 times more volume and I only have 100? Why is this happening? Why would this possibly happen? Why would a"—

Interjection.

Mr Kwinter: What is happening is that you're trying to get it to the point where the tail is wagging the horse.

You're trying to say, give us the 800 slot machines—and Mr Picov's son is on the record as saying, "If we can't get 800 slot machines, it's not viable." The whole situation—it is not meant to work that way. It is not meant that the slot machines go in to a track that does \$280,000 a year in wagering and turn it into a colossal gambling centre. It's not meant to do that. It's meant to take a racetrack that is viable now but enhance its viability, and do it in such a way that it does that.

It would seem to me that we have enough questions being asked that have no answers. There are no answers. The only answer we get is Mr Flaherty attacking me personally, saying, why would I do this? I should be ashamed of myself. I am not ashamed. I am not ashamed to raise this question, because I think the people of Ontario deserve an answer. They deserve an answer as to why this could happen. Why does someone think that they can buy influence? Christina Blizzard, in an article the other day when she went through this—and she again is not exactly a strong Liberal—referred to it as an "astounding" contribution.

We're all politicians, every one of us. I can tell you that if somebody came up to me and said, "I would like to give a \$80,000 non-receiptable contribution," immediately my antenna would go up and I'd say, "Wow, hold off a minute. This doesn't smell right." I'm telling you, that's a lot of money.

Again, I challenge the member who claims that he—and I'm not disputing his claim. He's an honourable man. I have no reason to contradict his claim. But I would say this to him: he could have quietened this whole issue down very, very quickly by saying, "Mr Kwinter, here is a letter from the Integrity Commissioner telling me that what I did was perfectly in accordance with the rules."

Interjection.

Mr Kwinter: He claims that he went to the Integrity Commissioner and got approval. I have no reason to doubt that. All I'm saying is, show me the letter that says it happened.

The Acting Speaker: Further debate?

Mr Gilles Bisson (Timmins-James Bay): I want to give the bulk of the time to our deputy leader, but I just want to jump in this debate for a couple of reasons.

I think there's a lesson to be learned here. In the last provincial leadership race, the Tories raised a total of \$8 million. There was \$8 million solicited from all kinds of contributors around the province of Ontario, from individuals and businesses, in order to run their leadership campaign—\$8 million. I will argue that's more than any one of our parties will spend in the next provincial election to elect a government. So I would argue that there's a problem internally within the process of how you elect a leader. To me, it's unbelievable that you're allowed to raise \$8 million for a leadership campaign. Our total budget in the NDP for the next provincial election is going to be about \$2.5 million or \$3.5 million, tops.

Interjection.

Mr Bisson: It tells me there's a problem.

So when the member from the Liberal Party raises the issue and says, "Well, it raises a couple of questions when an individual gives an \$80,000 non-receiptable donation and doesn't expect anything back"—I don't think people give that kind of money. I'm not arguing that Mr Flaherty knowingly did anything wrong. He's an honourable member. I quite like the man. What I'm saying is that the public perception out there, and that's really what it comes down to, is that something stinks in Denmark. I can't blame people in the media or the member for raising this issue. I don't think that you can blame the public for saying, "Well, is it conceivable that a person who gives an \$80,000 contribution is not going to want something in return?" I think that's a pretty interesting—

Mr Mazzilli: What do the unions want from you guys?

Mr Bisson: He says, "What about the unions?" I don't know too many of them that gave us \$80,000. But the point I make is that there's a problem in the process.

I just say to the members who are here and the media who may be watching that in the entire federal leadership process, because of the rules that we put in place, no NDP candidate in a federal leadership race is allowed to raise more than \$700,000. There's a reason we do that as a party. One is that we don't have the ability to fundraise like you guys have. People think that if they give a lot of money to a leadership race, somehow they're going to get something back from the government. But we want to make sure that the perception within the New Democratic Party is that nobody's buying large favours, so there's a limit to how much money a candidate can raise. It's a \$700,000 limit for any one candidate.

I think what we need to take a look at are two issues: that there should be rules around how much money you can raise for a leadership; and certainly I would argue that we need to do something around campaign finance reform when it comes to overall general elections as well, because I think it does leave the public with a bad taste in their mouth.

I would just say this is an interesting thing because in this particular case it was a person who owns a racetrack who was giving the donation. I'm a bit of a horse racer myself, I have to admit. My wife and I go out on Friday and Saturday nights to the off-track betting place, and we like to bet on a number of tracks around the province of Ontario. Unfortunately, we can't bet trotters up north because of the monopoly the guy in Sudbury has, but that's another story. We like to put bets at Woodbine and Fort Erie and when the thoroughbreds are racing. As a matter of fact, the Breeders' Cup was on just last weekend. I lost my shirt as usual. I didn't win one bet. The only two that came in were the two low exactors I had bet, but that's another story.

I have to say that I've been around betting for a while, and I just think it's interesting—here's a guy who owns a racetrack. Let me see if I have this straight. He bets \$80,000 for Flaherty to win, and his odds of winning that leadership race were probably around 20:1, right? Then

he says, "I'm going to cover my win bet by making a place bet on Mr Eves," by putting up \$10,000 on what was probably a 2:1 odds favourite. You're losing money on the place bet. What was the matter with the guy? You have to really wonder—10,000 bucks on a place bet. I just want to say to the man who owns Picov Downs, if that's how you bet horses, man, I don't want to bet with you because you'd lose a lot of money. You should have done it the other way around. You should have put \$10,000 on Flaherty to place and put \$80,000 to win on Mr Eves. I can tell you, that ticket would have paid a lot of money.

1040

Mr Garry J. Guzzo (Ottawa West-Nepean): I want to start out first of all by commending the member for bringing forward this particular issue. I may not like the manner in which it was brought forward, but I cast no reasons and no aspersions with regard to that. I very much thank him, though, for allowing this issue on the floor this morning and I welcome the opportunity to speak to it.

I want to speak to it from the position of a backbench member from Ottawa who was an owner and a breeder of harness horses for 20 years, a lover of thoroughbreds—and Valponi, I might just tell the member opposite, was an Italian horse. He was a natural pick. I don't understand—\$89 at the track—more here.

Mr Bisson: But you don't make a place bet. You know that; you put it on show only.

Mr Guzzo: As a lawyer, I didn't make place bets. You have to win—there are only winners and losers. As a practising lawyer I have in the past acted for racetracks, for horsemen. I acted for unions: the Horseman's Association—think about that, my NDP friend. That's hard to accept, I'm sure.

I think if the Leader of the Opposition were here this morning in the House, I'd have to admit that—because he practised in Ottawa the same time that I did—I have an association, because for some reason I defended a number of bookmakers over the years. I make that abundantly clear.

It is from that perspective that I draw my knowledge and my background on the horse racing industry. When I say that I welcome this opportunity, it is because what we as a government have done since 1995 is one of the positive, strong points of what we have been able to accomplish. I, for one, am extremely proud of it.

I have to acknowledge in my professional life, being aware of the racetrack assistance program, which the honourable member from York Centre was instrumental in setting up—indeed, it helped some ailing tracks, but I disagree with him when he gave us the reason for the difficulties of the tracks back in 1986 and again in 1995.

The fact of the matter is, sir, that the racetracks are in trouble because they were the worst-run businesses in Ontario. They were the worst-run businesses in Ontario. Notwithstanding what we have done, and the success of certain tracks, some more than others, they are still not service-oriented and they are not treating the public and

the customer the way the customer deserves to be treated. It's for that reason that they are running into difficulties.

We did what we had to do for one reason—you heard it from your member, Mr Phillips: the issue was jobs, jobs, jobs in 1995, and we went the route that we went for the purpose of saving the jobs.

Mr Agostino: For your friends.

Mr Guzzo: Maybe for the friends, but let me explain something to you. It wasn't to save the jobs at the tracks—

Interjections.

The Acting Speaker: Order. The member for Ottawa West-Nepean has the floor. He doesn't need all this assistance.

Mr Guzzo: It wasn't for the purpose of saving the jobs at the tracks—they were important, and they are very important jobs. When I look at the racetrack in Ottawa, some of the finest young doctors and lawyers in our city worked at that track in the dining room and punching tickets in order to put themselves through medical school and law school, and I'm sure the same is true in a lot of the communities—and we should be proud of it. The purpose of what we were doing was directed to the rural area and the jobs in the rural areas—jobs on breeding farms, jobs at training tracks and, indeed, jobs on the back stretch at the different racetracks—people who may have had difficulty in securing employment and staying off welfare if this industry had been allowed to fail.

When you look at the tracks, they had a track record. The track in Ottawa was 35 years old and had been successful—some years more successful than others, I suspect—and it was getting more difficult because of external pressures to keep going. It was the logical thing to do, as opposed to setting up charity casinos around the province, to help maintain the jobs in the agricultural sector and at the tracks by placing the machines there.

I wish the member from Thorold—formerly Thorold, now Niagara Centre—were here because he was on the committee when we started and stopped with certain types of machines and changed back the one program and then moved to the racetracks. My argument always was that the illegal betting that was going on and is still going on—I bring the paper from this morning and I look at the NFL line with the point spread. All summer long you have baseball, all winter long you have hockey, in the fall you've got the CFL and the NFL, all printed for the benefit of the illegal bookmaking establishment.

The betting that goes on is excessive as we sit here. Everyone knows it. Everybody appreciates it. We have done a little to put a dent in it. We eliminated a number of grey machines. When we were on that committee and traveling in the north, we visited five or six cities. In four of the cities where we stayed to have hearings, they had grey machines in the bar, where Mr Kormos and I would go for a couple of Cokes on occasion. The bars had these grey machines in every city we went to, even up in the north.

I used to suggest to you that you could go within 10 blocks of this building and find 100 grey machines. In Ottawa you could find 500 within 10 blocks of Parliament Hill. They're gone. Those machines were not regulated. Those machines were not operating at a 90% return to the people who were playing them the way the ones at Rideau Carleton Raceway are today or the ones at other racetracks are being regulated and maintained today. The public has been well served. This government is proud of what we have been able to do.

You make one good point: the operation of the Ontario Racing Commission is paramount and should be the first stop on this trek, not the lottery corporation. I have to tell you that I don't have the faith in the Ontario Racing Commission that I have in the lottery corporation. I am satisfied the Ontario Lottery Corp will protect this process—I know it will—or this government will be in some difficulty. The racing commission is the first step.

The Acting Speaker: Further debate. The member for Toronto Centre-Rosedale—or Toronto-Danforth, I'm sorry.

Ms Marilyn Churley (Toronto-Danforth): You don't want to mix up Mr Smitherman and me, let me tell you.

This is a very serious matter before us this morning. I agree that it's tempting to get up and tell our own individual racing stories. When I was the Minister of Consumer and Commercial Relations, I would go to the Queen's Plate and Mr Kwinter would always be there. I assume he's still going. I have to say that, coming from Labrador where there weren't even any horses, it was quite an interesting journey for me when I became the minister and was suddenly responsible for gambling in this province, including horse racing. I had the pleasure of working directly with people like Tom Joy and Peter Hardy, both of whom are deceased now. They were just incredible, wonderful human beings who really cared about the industry and worked hard to keep the industry viable and to make sure the people they employed continued to have jobs.

I went through a period of working with the horse racing industry, because they were losing ground. That's how slot machines started to come into the tracks, to all the other forms of entertainment out there. We put together a committee, which Peter Hardy chaired, and we were able to come up with some strategies to help the industry.

I know Mr Kwinter before me had come up with some solutions as well, which we carried on. Some interesting things were done at that time. I also had the dubious pleasure of bringing in the first commercial casino in Ontario, in Windsor. Let me tell you that there was quite a struggle then across the province because of the recession and cross-border issues. A lot of communities wanted casinos. I had the responsibility of bringing in the first one, in Windsor. Most of the people there wanted it. Now there is one in Niagara Falls, even though these guys who were sitting over here at the time were horrified that it would even be considered.

However, I learned some lessons, and this is where I want to get very serious about the resolution before us today from Mr Kwinter, which I support.

1050

In the gambling industry, the potential for even perceived wrongdoing is very high. When I was put in the position of having to be responsible for bringing a casino to Ontario, my God, did I work hard to make sure I set up a system that was at arm's length from me as minister.

I know the opposition at the time tried a couple of times to question me about our process and couldn't find anything on me, because I made darned sure there wasn't, that there was absolutely no connection between me except for setting up a system that was fair and above-board and transparent for the selection of the private sector company that was going to come in and run that casino.

I set up a team of bureaucrats, run by my deputy minister at the time, to do all those negotiations. We came up with a very rigid list of standards and rules that applied to everybody who had applied to run that casino. I remember somebody once telling me that one of the people who was bidding to run that casino just wanted to shake my hand. They didn't want to give me any money because there was no way I was going to take any money in any way from these guys. He was going to be at an event in the Lieutenant Governor's suite, and if I were there, he'd just like to say hello. I ended up not even going to that event. I wanted not only to not be implicated in any way with being influenced by any of those bidders, but I also didn't even want any perceptions, so that I could honestly say I had nothing to do with that, never met them, never dealt with them, that it was all transparent and was all at arm's length.

I find this issue before us today very serious in that whether or not there's influence-peddling here, there's a perception that needs to be dealt with. Dare I bring up poor former Premier Glen Clark. I'm sure there are a lot of people who would prefer I didn't, but I'm going to bring him up because look at what happened to him. He's been acquitted of all wrongdoing, but it's been stated by the judge that there was some bad judgment involved. For heaven's sake, look what he was dragged through for having a neighbour who had applied for a casino, who spent a few thousand dollars on some free labour on fixing up a deck.

Here in Ontario we have a government that just held a leadership race where we have this particular Picov Downs giving Mr Flaherty \$60,000.

Mr Kwinter: It's \$80,000.

Ms Churley: It's \$80,000. I've got \$60,000, and how much to Mr Eves?

Mr Smitherman: It's \$10,000.

Ms Churley: It's \$10,000. I've got my numbers wrong here. It's \$80,000 to one of the leadership candidates and \$10,000 to another.

Whether there was any wrongdoing here or not, a public inquiry could tell us that. There sure is a perception of some influence-peddling happening here. I would think

the government would want to be part of trying to get to the bottom of what happened if they're proclaiming their innocence in this.

Here's what happened. Here's the issue. On April 12, the last working day before Ontario Conservative control was to pass from Mike Harris to somebody else, Ontario's then Minister of Education quietly announced that up to 800 slot machines would be installed at Picov Downs, which falls within her riding. Then the donations happened, and reportedly the Picov Downs proposal was pushed through cabinet in one of the body's last meetings before Ernie Eves was to take over. It makes me think of the \$10-million gift to the sports teams just at the last minute. There's something about this that doesn't smell right.

I think, though, that this is a bigger issue—much bigger, as my colleague Mr Bisson outlined. I would like to extend this to an overall inquiry as to the whole way we allow donations to be given, particularly in leadership campaigns, as a result of the \$8 million that was given throughout the previous Tory leadership campaign, because it's a lot of money; it's a whole lot of money to have to raise. It shuts a lot people out, number one, because they can't raise that kind of money. I just want to give you some other examples that my leader, Mr Hampton, raised in the House as well that never really went anywhere.

Brascan and its subsidiaries gave \$150,000 to Mr Eves. If you look at that figure, they stand to make a lot more than Picov does. There are Brascan shell companies on the Eves list, including Noranda, \$25,000, and Trilon, \$25,000. If you look at the list of some of those donations—and I particularly bring up the ones related to energy because of the privatization agenda of the government—there is a connection here. Again I say that whether or not there is influence-peddling, the perception is that there is. I think that when any companies are giving donations of this size and there is something going on within their industry, something very large like, in this case, the privatization of Hydro—that amount of money was being given to leadership hopefuls during a time when the whole deregulation and privatization of Hydro was in some disarray, with many, many concerns about Hydro One, which Ernie Eves eventually, through a lot of pressure, mostly backed down on, but the privatization of generation is still going ahead. I have real concerns about that kind of perceived or real influence-peddling that may have gone on. I would like to extend this to a whole review, an investigation of the transparency and the limits that should be put on how much money can be given to somebody who is not just running for the leadership of a party but indeed will become the next Premier and will have a lot of power.

We've got some of the same things going on in Ottawa right now with the Liberals. We've got Paul Martin, who is running to be leader there. He is not disclosing his donors; he doesn't have to now, because he's out of cabinet. We know he's making pots and pots of money. He has not spoken out on Kyoto yet. Jack Layton, who is running for the federal NDP leadership,

has released all his donors to date, mostly individuals. But Paul Martin has not spoken out about Kyoto yet. You've got to wonder why.

So I think we need a thorough investigation into these leadership—

The Acting Speaker: Thank you. The member for York Centre has two minutes to reply.

Mr Kwinter: I want to thank all the participants: the members for Whitby-Ajax, Ottawa West-Nepean, Timmins-James Bay and Toronto-Danforth.

I particularly want to thank the member for Ottawa West-Nepean and the member for Toronto-Danforth, because they bring some experience to this debate. One was the minister who actually succeeded me as minister, and the other is someone who, by his own account, has had some great interest in and exposure to this industry.

I just want to make it clear in my final minute and 23 seconds that I am totally supportive of slot machines at racetracks. I am totally supportive of the people of Durham getting as many slot machines as they can get. That is not the issue. I am not in any way opposed to that.

What I am opposed to is the perception that there was a payment made. A decision that was before cabinet was accepted by a minister who sat at that table, and a decision was made for an inordinate number of slot machines. The industry has said it is absurd that someone who does \$280,000 in betting a year is given up to 800 slot machines where other racetracks that are doing \$65 million and \$80 million are getting 100. How could that happen? What is the justification for it, unless there was something untoward? Why did the person responsible, the chairman of the Ontario Lottery and Gaming Corp, decline to send the letter and say that the case had not been made? Why did the minister, for the first time ever, send that letter when he's never done it before? Those are the questions that have to be addressed.

Why, as reported on TVO, was the Premier so upset? There's obviously a problem here, and the fact that this decision has not been carried out over—

The Acting Speaker: Thank you. This completes the time for debating this ballot item.

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CONSUMER REPORTING AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI SUR LES RENSEIGNEMENTS CONCERNANT LE CONSOMMATEUR

Mr Cordiano moved second reading of the following bill:

Bill 158, An Act to amend the Consumer Reporting Act / Projet de loi 158, Loi modifiant la Loi sur les renseignements concernant le consommateur.

The Acting Speaker (Mr Michael A. Brown): The member for York South-Weston has up to 10 minutes for his presentation.

Mr Joseph Cordiano (York South-Weston): I don't believe there has been a more important time to make the amendments I'm calling for in the Consumer Reporting Act. We have largely become a credit-dependent society. Our economy is being driven by consumers who are, to a large extent, dependent on credit on a daily basis. More and more, people turn to credit cards. They're using credit on an ongoing, revolving basis. I don't think there's a person in this Legislature who doesn't have a credit card or some form of credit card. So I believe that each and every one of us has a stake in the amendments I'm calling for to this piece of legislation.

What happens when a consumer applies for credit? A credit-granting agency, such as a bank or a credit card company, turns to a credit-reporting agency for what's called a credit report. The credit report is a detailed history of that person's credit, and it will determine creditworthiness.

Credit-reporting agencies gather information from credit granters—the banks, credit card companies etc. They accumulate this information on each and every consumer who applies for credit. They organize the individual information and maintain it. Based on someone's credit history, the credit-reporting agency will determine what's called a credit score, and that credit score is all-important, because it determines creditworthiness.

If the information about that individual, the credit history, is inaccurate in some way, it could have devastating results, an adverse effect in terms of getting that first loan, getting a loan for a car or getting a student loan or a mortgage. In fact, it can have an impact on tenants who apply for a place to live, rental accommodation from a landlord. Many, many tenants have been affected by this.

I would go one step further. Even prospective employers are demanding credit history information. I have the case of a gentleman who was affected by this, which I'll get into later. But that can have an impact on someone's ability to get a job.

As you can see, this is tremendously important to individuals, consumers right across this province. And errors do occur. The anecdotal evidence is overwhelming, and I can give you some further evidence.

In 1991, the CBC's Marketplace show asked 100 people to request their personal credit reports. They found 47 had errors. Thirteen of those had significant enough errors to prevent them from getting any kind of credit. More recently, in 1997, US Public Interest Research Group conducted a similar study and found that 29% of credit reports they received contained significant errors that could also result in the denial of credit. These are significant cases of situations where consumers are denied credit. What does the current legislation say on what recourse the consumer has when an error occurs in his or her credit history? The current legislation, the Consumer Reporting Act, places the onus entirely on the individual to correct his or her credit history if an error is found. The consumer has to provide the credit reporting

agency with written documentation. So a consumer has to look back for cheque stubs or any kind of document to prove that, for example, a loan was paid off. Dealing with credit granters can be very difficult and trying if you've lost that cheque stub or there is no documentation. Sometimes this can go back years.

Again, under the existing legislation, written notice has to be provided by the consumer to the credit reporting agency. Under the Consumer Reporting Act, the only requirement placed on the reporting agencies, however, is that the agencies must use their best efforts to correct mistakes within "a reasonable time." So there is no additional onus on the credit reporting agencies. In fact, there are stories of these reporting agencies not following up on requests made by consumers. They use their best efforts to try and correct this information, but it's not being done.

To support what I'm saying, I want to look at the year 2001. The registrar is the regulator of the credit reporting agencies, and each reporting agency has to be registered with the Ministry of Consumer and Business Services. There are 58 credit reporting agencies currently registered. This is very interesting. In 2001, 2,174 complaints were made regarding credit reporting agencies and erroneous information. Under the act, the registrar can conduct audits and investigations. However, in the past three years the registrar has conducted only one audit of any company, which is amazing after 2,174 complaints in 2001.

As we can see, the existing act does not really deal with consumer complaints in a reasonably timely fashion because the entire onus is placed on the individual. Working with credit granters is not an easy thing for an individual to do, to extract information, to have that information documented. The onus is too great. In a moment, I will get to other jurisdictions that have brought their legislation up to date, placing the onus back on the credit reporting agencies.

My bill calls for three things, really. It increases the accountability of credit reporting agencies to disclose information promptly and to correct any erroneous information. They have to do so within a 30-day period, and they have to notify consumers in writing that there is something wrong with the information.

Secondly, it provides consumers with better access to information that could be used against them in their credit history. It also details how a credit score is arrived at. So there has got to be information provided. I am also calling for a toll-free number to be instituted by these credit reporting agencies and to have trained personnel on staff to explain how they arrive at a credit score. This is all being done in the US. Some of the same companies that operate in the US also operate in Canada.

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Also, the main point of this legislation is to ensure that consumers are not penalized every time they apply for credit. When a credit check is conducted on a consumer, the very fact that they are applying for credit works against them under the current legislation. It acts as a

penalizer if you simply ask for credit. Shopping around for credit these days—and everyone shops around for the best price—should not result in the consumer being penalized or having a downgrade in their credit-worthiness. That should not be the case. The amendment to the act I'm calling for does away with that, prohibits that from actually going on a credit score.

As you can see, there are three things that are called for in the amendment I'm bringing forward that would go a long way to dealing with consumer complaints. It would bring our legislation in Ontario up to date with other jurisdictions, the US being one. The UK is also moving in that direction.

I say to members, this is important and worthy legislation that we can all support, and I'll speak to some other examples later in my time.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm pleased to join in the debate with respect to this Bill 158. Protecting personal information is a priority for the Ernie Eves government and we are more than willing to give full consideration to any proposal to increase the control individuals have over their personal information, including their credit information.

While we support some of the policy intentions in Bill 158, there is some concern that a balance has not been achieved between the ability of the consumer reporting agency and credit providers to continue functioning and the potential benefits provided to consumers.

One key concern is that this bill has been drafted without any input and consultation with the key groups that will be directly affected by it, such as businesses, the credit industry and other users of consumer reports—a full discussion. These organizations have significant concerns regarding some of these proposals and could provide advice on ways to address the needs identified by the member while at the same time not causing a great deal of harm to their businesses. As well, we would like to hear how consumers and consumer organizations view this bill.

The Ministry of Consumer and Business Services would be pleased to work with the member and stakeholders to consult on the bill and improve upon it in a way that maintains important consumer protection features but in a manner that is more balanced with the needs of business and consumers. We believe the bill would benefit from consultations with the organizations it will impact directly, as well as representative consumer groups.

The bill could be improved in a number of ways. For example, the obligations of organizations to disclose information to consumers could be more focused on instances where consumers indicate a need or a desire to see this information.

Let's be correct in what we're dealing with here. With consumer reporting, what we're talking about is a consumer report. That means a written, oral or other communication by a consumer reporting agency of credit information or personal information, or both, returning to a consumer for consideration in connection with the purpose set out in clause 8(1)(d).

The purpose of getting that information under the act is that a consumer report is given to a person it has reason to believe intends to use the information with respect to the extension of credit to or for the purchase or the collection of a debt. It also deals with entering into or the renewal of a tenancy agreement, information for employment purposes, the underwriting of insurance involving a consumer, dealing with eligibility under a statute for a consumer, and direct business information.

There's some merit in this bill in terms of what he wants to amend. I think it's sound business practice, and I'd be surprised if any consumer agency didn't do this. He wants a consumer reporting agency not to provide a consumer report to any person without first obtaining—they need to get the person's name, address and telephone number and confirmation that the information is sought for a purpose permitted under this section and will be used for no other purpose.

The key thing here is that obviously you need to have the name, address and telephone number of the person requesting information from the consumer reporting agency. The more fundamental purpose, and I think this has to be toughened up somewhat, is confirmation saying, "We want it for this purpose under clause 8(1)(d)." They need to know exactly what the purpose is, so it's caught under that section. It needs to be a little bit tougher with respect to making sure that consumer report is caught under that section. I don't think the member would disagree with that, and I'd be surprised if he did.

One area I'm a little concerned with is that the member wants to repeal subsection 12(2) of the act. I don't know why he wants to do this. Maybe he can respond why he wants to repeal this subsection, which reads, "A consumer reporting agency shall withhold from the disclosures required by subsection (1) any medical information obtained with the written consent of the consumer which the consumer's own physician has specifically requested in writing be withheld from the consumer in his or her own best interest." I'd like to know why the member wants that section repealed. It's a fundamental section with respect to the relationship between a patient and their physician.

There are other areas with respect to the area he's talking about, correcting errors. That's a good area, because I think what he's trying to do here is put a timeline on the consumer agency, where there is an error in the consumer report, to make any corrections. He's got a 30-day timeline to investigate the dispute, notify the consumer and correct that information. I think what he's proposing under subsection 13(1) has some merit.

In conclusion, I want to say that certainly the Consumer Reporting Act needs to be reviewed in certain areas, and I think the member is trying to do that. But we have to have a proper balance in that exercise with respect to the reporting agencies, the consumer and those affected by that information, ie, landlords, credit information areas, insurance companies etc.

Mr Cordiano: I listened to the member, and I'm not quite sure about part of what he said with respect to particular sections of the act. But let me say I'm willing

to examine this and talk about where this might go in the future. Obviously, committee would be one good place to deal with those questions.

Let me just continue with what I was saying in regard to why we need this legislation. The US federal government passed the Fair Credit Reporting Act in July 1999, which deals precisely with what I've been calling for in the amendments to this act. We're behind other jurisdictions when it comes to ensuring that consumers are protected and that information is properly maintained by credit-reporting agencies. In fact, in January 2000, three of the biggest credit-reporting agencies were fined by the US government for failing to maintain a toll-free number, which is a requirement of the US federal legislation.

Recently in California, the Senate passed legislation requiring the disclosure of credit scores. In the United Kingdom, the Office of Fair Trading recommended that creditors be required to tell customers or consumers that credit scoring is part of the decision-making process. As we can see, other jurisdictions are moving in regard to this and are making changes to update legislation, because they recognize this is crucial to the functioning of the economy. It's important for consumers, and it's also important for our economy to move forward, since we depend on credit.

The member who spoke previously said there wasn't consultation with stakeholder groups. I have letters of support from the stakeholder groups that I want to quote from, some of whom have suggested that all members support this legislation, as it is significant and moves in the direction they want to go. As soon as I find what I'm looking for on my desk, I'll quote those.

Let me say further that the amendments we're asking for are not that onerous with regard to what's required of the credit-reporting agencies. It will certainly cause them some additional costs; there's no doubt about that. Maintaining a toll-free number will cost some additional dollars. Updating their files will cost some additional dollars. But these credit-reporting agencies are also making huge sums of money by passing along information about their consumers in other forms. You can actually apply to have your own credit report done on the Internet, with a cost attached to it. There are all sorts of fees being charged to consumers for information.

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The Public Interest Advocacy Centre, in their letter to me regarding the amendments to the act, says, "The importance of consumer protections with respect to credit reporting cannot be underestimated. We have become an extremely credit-dependent society.... It can determine our ability to get bank accounts, debit cards, mortgages, credit cards, and even employment and rental accommodation. Many Ontario consumers are suffering as a result of abuses that this bill would address. It is for these reasons that we support these important amendments found in Bill 158.

"We strongly urge all members of the Legislature to support Bill 158 to ensure that an improved Consumer Reporting Act is adopted."

I also have a letter of support from the Consumers' Association of Canada. They say, "We believe that the Consumer Reporting Amendment Act works to address some of the concerns we have regarding the current credit reporting industry, and would urge all members of the Legislature to support Bill 158, in order to improve the existing Consumer Reporting Act."

So we have support from these consumer groups, and it's very significant.

I also have a number of examples of what's wrong with the current situation. This gentleman has a bad mark on his credit report because of the responsibilities he had under the Family Responsibility Office. In July 1997 there was an outstanding balance of \$52,000, which was paid by this individual. There was also an order from the Superior Court of Justice, dated June 2001, which stated that no monies are owed by this gentleman.

A company called Equifax has been consulted many times. The latest correspondence from Equifax to this gentleman's lawyer, who has intervened on his behalf, stated that they need an instruction from the group that lodged the collection notice. Anyway, it goes on. The court, as I say, supports the gentleman. His ex-wife also supports the fact that this debt was paid off. However, this bad mark stays on his credit report. It is there, and it resulted in his being prevented from getting employment successfully as well as from accessing rental accommodation. As you can see, this has a detrimental impact on individuals.

I am suggesting today that members support this legislation. It would go a long way to ensuring that consumers are protected and that what's in their files is current data. It puts the onus back on reporting agencies to update their files. It also calls on these agencies to better explain how credit scores are arrived at, maintaining a toll-free number with personnel available to explain that. As I say, it would cause these firms to be more accountable for their practices. It would also eliminate the possibility for credit-reporting agencies to use the mere fact that someone is applying for credit and a credit report is being conducted on that individual as a bad mark against them.

I think these are essential amendments, which are required in today's fast-driven economy that is so dependent on credit. All of us who depend on credit—we all use our credit cards extensively; we use them for a number of purposes, for ID. I think we're just bringing Ontario up to modern standards. I would urge all members to support this bill.

The Acting Speaker: Further debate?

Ms Marilyn Churley (Toronto-Danforth): I'm pleased to make some comments on behalf of my caucus this morning, because I believe we all share the same point of view on this particular private member's bill before us today.

I'd like to congratulate Mr Cordiano for bringing it forward. I'm going to tell him at the outset that I have some criticisms of it, and I'll outline those—I don't think it goes far enough given today's climate—but I also understand why he limited it to what is in the bill today.

He's trying to be reasonable, knowing what might possibly get passed here. Some of the stuff I am going to suggest should be in the bill, I'm sure he thought of, but given that the Americans have already done something similar in another jurisdiction, I understand that he was cautious in his approach today and tried to find the balance Mr Tascona referred to in expressing concerns about the bill because there wasn't enough balance in it.

I would say everybody knows by now that as we use more and more credit cards, and this has become a credit card society, many consumers have very real problems. There isn't a balance now, which is what Mr Cordiano is trying to correct. They have real problems with credit reporting agencies. The whole system gives pretty much all the power to businesses and creditors, and leaves the consumer with very little power at all. He is trying to correct that.

The reason I am glad the bill is before us, as well, is that it gives me an opportunity to talk about consumer protection and the lack thereof in other areas under this government. I know you're not trying to address those today, but we're talking about consumer protection. The government recently brought forward its own legislation and didn't do these, in my view, very simple amendments that would go some way to giving relief to consumers. By now we have pointed out so many holes in the government's new consumer legislation that it's hardly surprising Mr Cordiano found yet another hole to plug, which is what he is attempting to do today.

The bill attempts to address the serious problem of credit reporting agency practices, but in some way, because I know he's trying to be cautious in his approach, it takes a rather complicated route. The problem is that businesses check your credit rating many times without cause. We're finding that more and more. You're not a customer and you're not applying for anything, but they're still out checking your credit rating.

I don't think they should have the power to do that. Instead of just saying that a consumer report can't include the number of inquiries, why not just say that businesses can't check without reason? Again, I know you would have preferred to have that in there, I would think, but you knew that wouldn't go anywhere. I think that's where we should be heading, that they can't check without reason, pure and simple, or better yet, don't include the number of times your credit rating has been checked on your history at all.

The bill goes in the right direction and I would urge full support for it today. There should be committee hearings so we can have amendments. As you know, with private member's bills, I think we all accept that we don't have the infrastructure behind us that the government does to write the bills. Good ideas come out and then we need to take it to a real committee, not committee of the whole House where it dies, which the government tends to do now. It sounds as though they'll vote for something, so it'll look good on paper, but then they refuse to send it to a real standing committee and they send it to committee of the whole House, which the public mostly

doesn't understand, for heaven's sakes, with good reason, and there it dies. It never sees the light of day again.

The component of the bill dealing with disclosing what's going on, with actions against consumers and requests for reports to the consumer, is a really important positive step, but as I said, we really need to fix the whole system. I want to say, Mr Cordiano, I know that's not what you're trying to do today, but I think it's important to point out that as to the system, we need to examine the whole thing and fix it to create more of a balance so that the consumer gets a fair shake.

I want to talk more about consumer protection and the fact that the government brought in a new bill, and as I said, there are so many holes in it. I want to come back to the scamming hydro marketers, and again, you're not trying to deal with that today but we have to use it as another example of some of the big, big problems in our consumer legislation that the government didn't fix in its bill.

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The legislation the government brought forward will not protect hydro consumers from the scams, the forgery and the high-pressure sales tactics that we hear are still going on out there, which the Conservative government let loose on consumers in this province. We're all hearing more and more about these.

For well over a year, the government allowed pushy energy marketers to invade your doorstep and sell you so-called electricity deals. What they didn't tell you was that the prices they quoted didn't nearly include all the costs. Many people, not knowing what to do, who didn't read the fine print as many people don't in these long contracts—yes, we all should. When the minister was asked about that yesterday, he said, "Well, they should have read the fine print." That's his answer to people who are going to have to turn out their lights or not eat, to make those choices. What they didn't tell you was that they didn't include all the costs. Many signed deals with these marketers that will cost them big money. They're finding that out now. The average consumer who signed with a marketer will likely lose at least \$150 in the first year alone that they didn't have to lose.

Many consumers who signed these so-called deals will also have to pay any rebate they receive from the government to the private marketers. That was what Mr Baird, the energy minister, referred to yesterday, that it's too bad they didn't read the fine print. They are not going to get to keep the rebate they are going to get back from the government, the election ploy of giving people a few dollars to try to deal with this incredible scandal the government has brought upon itself.

In the fine print of these deals, not pointed out by these scam artists at the door, they were going to be able to keep any rebate. It's just absolutely shocking. Talk about lack of consumer protection. Even an economist who actually worked on setting up the deregulation system admitted he couldn't understand the sales pitch that was being made to him at the door, yet over 25% of Ontarians have signed these deals. If one of the economists who helped set up the deal couldn't understand

what he was being told, we know there's a real consumer issue here.

Howard Hampton, the NDP leader, has been very clear in this House that consumers should be allowed to rip up these deals, and we have put forward to the government a private member's bill, I believe it was, or a suggestion—I think it was a private member's bill—but the government says no, it's going to make them stick. Here it is. It's Mr Hampton's private member's bill, Bill 73. It would allow consumers to get out of these deals. I would ask the government, when we're talking about consumer protection today, to revisit that, given that we now know they cannot even get their rebates, and allow them to rip up these deals. The bill is currently before the Legislature but it hasn't been allowed to go forward. Bill 73 would also put a stop to door-to-door marketing and would allow consumers to rip up contracts they didn't want to get into in the first place, because there was such confusion out there to consumers about what was going to be happening with hydro bills.

We don't have a lot of opportunity to talk about consumer protection and this bill gives us an opportunity to talk in general about what's happening to consumers here under this government. The bill the government brought forward, the consumer protection bill, and the bill the Minister of Finance unveiled yesterday—she didn't make a statement in the House but I believe a member asked a question so she could highlight it—would not, either of the bills, protect the consumers of financial services who entrusted and subsequently lost their savings, often their retirement savings.

I have an elderly gentleman in my riding who lost his retirement savings completely. He is spending a lot of time being frustrated with me, and I understand that. I have tried through various means—I talked to the former Minister of Finance and the parliamentary assistant at the time and set up a meeting and letters went back and forth—to put his case forward, but under the existing laws and now the new law that was brought in, there's nothing that can be done for this gentleman. It's one of the saddest things to see. He has lost all his life savings and there is no legislation before us, including the legislation the minister brought in yesterday, that will get him back his money or prevent this happening to others out there in the future. The government's so-called investor protection legislation just doesn't deal in a comprehensive way with the issues that are facing us today.

Again I want to point out, so people understand and know, that there are alternatives. We can improve this legislation. The leader of the NDP, Howard Hampton, has a "No Enrons in Ontario" document, which outlines the kinds of protections consumers should get from the corporate scamming that is endangering Ontario investors. This package includes things like toughening up—really toughening up—the rules and regulations governing public auditors to ensure that investors are really protected and that arm's-length audits tell the truth about how a company is doing; giving the Ontario Securities Commission more power to clamp down on

securities fraud; increasing corporate board members' legal liability for misleading statements; forcing mutual fund holding companies to have independent boards for each fund. It creates a real public oversight board for accounting, which would be responsible for licensing, investigations and disciplinary activity of the public accounting profession and would create a new standard-setting body that would not be associated with existing organizations representing the accounting profession, which is a real problem. You've got to separate the two.

It would forbid public accounting firms from providing non-auditing services in conjunction with auditing services, ban inside directors from serving on audit committees, and establish a two-year cooling-off period before an employee of an audit firm can join a client firm. These are no-brainers given what we saw happen in the US with Enron and other big corporations and what we actually are seeing here in Ontario too.

It would require firms to rotate or change their auditing firms every five years in order to ensure greater accountability.

There are many more aspects to this No Enrons bill, which I urge all members to look at. I urge the Minister of Finance to take a look at it and indeed be willing to improve upon the bill that she introduced yesterday, which will not do what she said she wants it to do, and that is to protect these smaller investors and their life savings.

Coming back directly to Mr Cordiano's bill today on consumer protection, as I said earlier, I believe it should and could go further. I think the problems are very far-reaching now and there is a lack of balance between the business community and consumers. The consumers are on the wrong end of the stick.

I would say to government members, I spoke about the fact that I don't think the bill goes far enough, and I can tell you there are a lot of consumers who think that as well. But Mr Cordiano has brought forward a bill today which I believe he wrote in the belief that Tory members could support it, because he understands that should he have become more radical in his approach and done some of the things that we really need to do to protect consumers, it wouldn't get anywhere; it wouldn't see the light of day.

Although in some ways there are complications in what's before you today that I think need to be fixed, the government should agree to pass the bill today—after all, they're already doing it in the US and other jurisdictions, so we're not reinventing the wheel here—take it to committee hearings, deal with some of the issues and some of the problems, and make any necessary amendments to strengthen it.

Congratulations, Mr Cordiano, for bringing this forward.

1140

Mr Garfield Dunlop (Simcoe North): It's a pleasure to be here this morning to make a few comments on Bill 158, An Act to amend the Consumer Reporting Act. Of course, it's brought forward by Mr Cordiano, the member from York South-Weston.

Protecting personal information is a priority of the Ernie Eves government. Whenever we talk about personal information, I think everyone always looks back to what we see in movies and a lot of times in the media of Big Brother and Uncle Sam and all these phrases that the public gets to acknowledge when they think of how much information the government has on you. It's always interesting when personal information comes before this House.

However, we are more than willing to give full consideration to any proposal to increase the control that individuals have over their personal information, including credit card information. That's something that people in our province, as we move forward with a system where more and more business is done by credit card, by the use of high technology, are concerned more and more about: just what type of information is released.

I have to say right up front that I will be supporting this bill. I believe it has a lot of merit and I congratulate the member for bringing it forth. But while we support some of the policy intentions in Bill 158, there is some concern that a balance has not been achieved between the ability of consumer reporting agencies and the creditors that are providers to continuing functions and the potential benefits provided to our consumers.

One key concern we have is that the bill has been drafted without an awful lot of input and consultation with key groups that will be directly affected by it, such as businesses, the credit card industry and other users of consumer reports. When any type of private member's bill passes through this Legislature, I consider it essential that as many of the stakeholders as possible are notified and consulted with. I know Mr Cordiano has certainly met with some, but I don't know how complete that really is to this date. These organizations have significant concerns regarding some of the proposals in the bill and could provide advice on ways to address the needs identified by Bill 158. At the same time, they would not be causing a great deal of harm to their businesses. As well, we would like to hear how consumers and consumer organizations actually view this bill.

I know Mr Hudak, the Minister of Consumer and Business Services, and Mr Tascona, the parliamentary assistant, would be pleased to work with Mr Cordiano and stakeholders to consult on the bill and improve upon it in a way that maintains important consumer protection features, but in a manner that is more balanced with the needs of businesses and consumers.

The bill could be improved in a number of ways. As just one example, because I'm going to let Mr Galt have some time here this morning as well, the obligations of organizations to disclose information to consumers could be more focused on instances where consumers indicate a need or desire to actually see the information.

Again, it's a bill that has a lot of merit. I don't know how all of our caucus will be voting on it. I will be supporting it myself. Any time we can make an attempt at helping consumers in dealing with personal information, I think we as a government and all members of this Legislature have to take a serious look at it.

I appreciate the opportunity to say a few words today, and I'll let Mr Galt have the rest of my time.

Mr Mario Sergio (York West): I'm delighted to rise and speak in support of the private member's bill of my colleague Mr Joe Cordiano, the member from York South-Weston. At the outset, I'd like to say that I very willingly support the bill and I would urge the government members to support it as well.

It does two main things, and it goes a long way to complementing the existing credit reporting act. One is to increase the accountability of credit reporting agencies with respect to disclosing information. One very important aspect of that would be the ability to rectify that information once it has been submitted to the credit-reporting agency. Number two, also very important for the individual consumer and small business person, is to provide the information—quickly and easily accessible—that is used to determine the creditworthiness of that individual consumer or small business person.

Why is that? It's because the way the act is presently written, there is no protection, no accountability. In this area, the government must engage this debate very seriously, because there is no accountability and no protection for the consumers in our province. We can't allow reporting agencies to provide false, inaccurate and misleading information that affects the lives of our individual consumers and our small business industry. It does it so directly and so adversely that it affects indeed the lives of many consumers. The government must show leadership, must take responsibility and make sure that information being given out to the general public is correct, and when it isn't, that it must be corrected.

Mr Cordiano brought to the attention of the House that in 2001, over 2,000 complaints were brought to the attention of the consumer protection agency; only one was audited. That isn't acceptable. That is totally unacceptable.

I can vouch, from my personal experience with Equifax, supposedly a very reputable credit agency—well, let me tell you, my experience says otherwise, because when I brought complaints to the attention of Equifax, they said, "We retain the information provided to us to be correct." When I said, "Hold on a second here. This is infringing upon my rights, and I want to correct it," it was "Forget it. It is here. We deem it to be correct, and it's going to stay in our books for seven years." I beg your pardon?

How can we allow that this credit agency can distribute at will, to anyone who asks about the credit of anyone or of any business, and can continue to provide false, misleading and incorrect information for a period of seven years? That is unacceptable. We cannot allow that. We cannot allow that when a complaint is lodged with a credit-reporting agency, they stay mute. Unless a credit check gets done on you, if you go to purchase a car, a home, apply for a mortgage or whatever, anything that warrants a credit check, you may not know that indeed a complaint was lodged on your credit two, three, four, five, six years ago. It has been on your credit that

long because that credit-reporting agency has no responsibility within the existing act to advise you, the consumer or small business person, to take action and make sure that misleading, incorrect and false information is corrected.

This is very penalizing to consumers in Ontario. It's penalizing to the small business industry, where it affects their day-to-day operations to supply or receive materials or other goods and even trades. We cannot condone this.

1150

I'd like to thank the member for York South-Weston for bringing this piece of legislation to the House today. I would very strongly encourage the members of the government to make sure that this private member's bill indeed moves on and is approved today, so that we can say that information that is being collected, provided and distributed hereafter is correct. I think the public can accept that. I think small business and consumers can accept that as well. The government has a responsibility, when information is provided, that correct information is provided, and when it is contested, that action must be taken to correct that information.

We must amend the act and provide power to the registrar so that every time a complaint is lodged, it is investigated very effectively. In the last five years, out of thousands of complaints, only two were investigated. That isn't acceptable.

I hope that today every member of the House will support Mr Cordiano's bill and move it on for the protection of our consumers.

Hon Doug Galt (Minister without Portfolio): It's a privilege for me to be able to say a few words on this bill. But before I get too far into that, I'd like to welcome to the Legislature some students who are here from Welland. They attend Jean Vanier school, and they're in the audience here this morning. We welcome you.

What we're debating is private members' time, which we set aside for individuals to bring forward bills or resolutions that can be debated in a relatively non-partisan way. That's the intent. Anyone other than a minister can bring forward a bill or resolution, and it can be debated. It's usually an issue that's of concern to that individual in their respective riding.

This morning we're debating a bill that's been brought forward by the member for York South-Weston about consumer reporting, maybe not a big issue to our students in the gallery this morning but probably a significant issue to the teachers and parents who are accompanying them here this morning. I'm sure that down the road it's going to be of significant interest to them once they have a credit rating and are being checked on by various reporting agencies.

There's no question that I certainly support the concern of protecting personal information. I certainly support the opportunity to be able to correct any information that may be present in one's records that's inaccurate. We know how this information can be mistakenly recorded. Certainly, with computers, some of these records can be perpetuated way into the future when in

fact they're very incorrect and can be very harmful to people.

I think there could have been a little more consultation put into this particular bill prior to bringing it to the House, because there certainly are groups who are opposed to it; for example, some of the reporting agencies are very opposed to this particular bill. But listening to the debate this morning, I think I'm probably going to be able to support it, because it does have the kind of intent I certainly believe in.

The present Consumer Reporting Act does provide protection for consumers. That being said, we're more than willing to look at various new ways to improve the protection of personal information. Everybody in our society should have that kind of protection.

Agencies are regulated under the present Consumer Reporting Act. Often referred to as credit bureaus, CRAs are companies that gather information on consumers and sell that information in the form of credit reports to credit granters, landlords and others for use in consideration of specific transactions.

These consumer reporting agencies keep records of consumers' debts and how regularly these debts are repaid. They gather information from creditors that shows what each account holder owes or indeed has paid. These data will show if payments are up to date or overdue and if any action has been taken on these overdue accounts. The reporting agencies' reports also contain information pertaining to bankruptcies and judgments involving the consumer.

You can see from this how they reach out like tentacles into our everyday lives, whether it's banking, credit cards or whatever. Certainly we need the opportunity to be able to check out whether mistakes have been made, and as I mentioned earlier, particularly in this era with computers when some of those errors can be extended and be very harmful to people.

I look at Bill 158. It has a lot of good things in it. However, there are some difficulties with it. I hope some of those difficulties can be corrected when it goes to committee.

The Acting Speaker: Response?

Mr Cordiano: I want to respond to some of the criticisms that have been made by my friends from the governing party. Frankly, this legislation does achieve balance because it puts the onus back on credit reporting agencies. Right now, there is no balance. The onus is placed on the individual consumer, who does not have the wherewithal or the resources, and the information is held by these credit reporting agencies.

Someone spoke about the fact that there was no consultation. I alluded to and quoted from support groups, public advocacy groups, that have supported this legislation. Furthermore, if the members opposite feel there were no consultations, why don't we go to committee and have consultations? You can have all the consultation you want. I'll sit there till the cows come home, until we pass this legislation. It's absolutely necessary.

One of the members spoke about medical information. Section 12(2) of the act deals with medical information.

As a result of this government pushing more and more medical costs on to consumers, we're becoming a consumer-driven society in the area of medical services and products. So the same thing applies to consumers in that area. Credit is important to purchase medically necessary products and services. That's why that section is in the bill.

As well, release of information to users other than for the intended purpose when you apply for a credit card: we don't want this credit history being circulated to other credit providers willy-nilly. That shouldn't be happening.

There are a number of provisions in here that do go far enough and do strike the necessary balance. I hope members of the Legislature will support this legislation.

The Acting Speaker: This completes the time allocated for debating ballot item number 66.

SLOT MACHINES

The Acting Speaker (Mr Michael A. Brown): We will now deal with ballot item number 65. Mr Kwinter has moved private member's notice of motion number 17.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

We will call in the members after I deal with ballot item number 66.

CONSUMER REPORTING AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI SUR LES RENSEIGNEMENTS CONCERNANT LE CONSOMMATEUR

The Acting Speaker (Mr Michael A. Brown): Ballot item number 66: Mr Cordiano has moved second reading of Bill 158, An Act to Amend the Consumer Reporting Act.

Is it the pleasure of the House that the motion carry? Carried.

Pursuant to the standing orders, this bill will be referred to—

Mr Joseph Cordiano (York South-Weston): The standing committee on finance and economic affairs.

The Acting Speaker: Mr Cordiano has asked that the bill be referred to the standing committee on finance and economic affairs. Agreed? Agreed.

SLOT MACHINES

The Acting Speaker (Mr Michael A. Brown): On ballot item number 65, call in the members. This will be five-minute bell.

The division bells rang from 1200 to 1205.

The Acting Speaker: Mr Kwinter has moved private member's notice of motion number 17.

All those in favour will stand and remain standing until their name is called.

Ayes

Agostino, Dominic	Conway, Sean G.	McLeod, Lyn
Bartolucci, Rick	Cordiano, Joseph	McMeekin, Ted
Bisson, Gilles	Crozier, Bruce	Parsons, Ernie
Bountrogianni, Marie	Dombrowsky, Leona	Peters, Steve
Boyer, Claudette	Duncan, Dwight	Phillips, Gerry
Bradley, James J.	Gravelle, Michael	Pupatello, Sandra
Bryant, Michael	Kennedy, Gerard	Ruprecht, Tony
Caplan, David	Kwinter, Monte	Sergio, Mario
Churley, Marilyn	Lalonde, Jean-Marc	Smitherman, George
Colle, Mike	Levac, David	

The Acting Speaker: All those opposed will please stand and remain standing until their name is called.

Nays

Baird, John R.	Hardeman, Ernie	Mushinski, Marilyn
Barrett, Toby	Hastings, John	Newman, Dan
Beaubien, Marcel	Hudak, Tim	O'Toole, John
Clark, Brad	Johns, Helen	Runciman, Robert W.
Clement, Tony	Johnson, Bert	Sampson, Rob
DeFaria, Carl	Kells, Morley	Spina, Joseph
Dunlop, Garfield	Klees, Frank	Sterling, Norman W.
Ecker, Janet	Marland, Margaret	Stockwell, Chris
Elliott, Brenda	Maves, Bart	Tascona, Joseph N.
Flaherty, Jim	Mazzilli, Frank	Turnbull, David
Galt, Doug	McDonald, AL	Witmer, Elizabeth
Gilchrist, Steve	Miller, Norm	Wood, Bob
Gill, Raminder	Molinari, Tina R.	Young, David
Guzzo, Garry J.	Munro, Julia	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 29; the nays are 41.

The Acting Speaker: I declare the motion lost.

All matters regarding private members' public business now being dispensed with, this House stands adjourned until 1:30 of the clock.

The House recessed from 1208 to 1330.

MEMBERS' STATEMENTS

HYDRO RATES

Mr Dave Levac (Brant): I rise in the House today to speak on the Harris-Eves government's continued mismanagement of Ontario electricity policy. From higher costs and bungled regulations to the lack of consumer education about the new system, there's no question that the Harris-Eves government has lost control of the hydro file.

In my riding of Brant, seniors, homeowners, service clubs, large companies and small businesses such as Wayco Ltd continue to pay skyrocketing bills which have increased 21% since May in the cost of power alone. Even more ridiculous, owner Wayne Atfield contacted my office shocked that he had received two hydro payment bills within the same month of October, two weeks apart. In fact, I have a copy of Mr Atfield's hydro bills, which clearly show he paid the bill on time but was

given another charge in the second bill as a late fee charge, not to count the fact that the GST charge was higher than the debt retirement charge.

The Harris-Eves government promised that this new system would deliver lower hydro rates and improved service, but since privatization of Ontario Hydro, we have seen nothing but higher rates and story after story of lousy service time after time. Small businesses like Wayco Ltd will continue to suffer from soaring hydro payments and eventually close because of the mismanagement of this government. The Liberal caucus has said from the beginning that the Harris-Eves government has completely botched the hydro file.

Premier, show us the plan to fix the mess you made. Better yet, call an election and the people will tell you what they think of this botched government policy.

SOCIAL ASSISTANCE

Mr Tony Martin (Sault Ste Marie): Today is Halloween, so I'm bringing you a really scary story. It is a story about being poor in the province of Ontario.

The Eves government would have you believe that if people are poor, it is their own fault and they must be lazy or immoral or both. The truth is, there are many reasons why people can end up falling on hard times: losing their job, being in a car accident, being born with a disability, losing their health, having to leave an abusive relationship, problems with mental health, and the list goes on and on. The truth is that it could happen to any one of us here.

The story gets scarier. If you find yourself poor in Ontario under this government, there is no help. If you are on your own and need social assistance, you will only receive \$520 a month, not even enough to cover your rent. Can you imagine having to live on \$6,200 a year? But if you are on social assistance and want to get a better education to improve your life, forget it. You aren't even allowed to go to school. The \$10,000 a year you get in student loans is not enough to pay for school and rent and food, forcing people at the bottom to stay at the bottom. Kimberly Rogers was on social assistance and she wanted to get off. She collected her \$520 a month from social assistance and got the \$10,000 in student loans and did well in school, but today, because of the Tory policies on that, she's not with us any more.

DIWALI

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): On Monday, November 4, Ontario's South Asian community will celebrate Diwali, the festival of lights. Many members of our community will observe this auspicious occasion with their family and friends.

On Diwali, sweets are exchanged and prayers are offered to Lakshmi, the Goddess of Wealth, and to Lord Ganesh. Diwali, the darkest night on the lunar calendar, marks the return of Lord Rama to his kingdom of Ayodhya after 14 years of exile. For Sikhs, it also marks

the return of Guru Hargobind Ji to the holy city of Amritsar after his release from captivity by the Mughal ruler Jahangir.

In many homes, mandirs and gurdwaras, deeyas, or small lamps, are lit in celebration of the victory of light and goodness over darkness and evil.

On behalf of all members of this Legislature, I would like to extend happy Diwali greetings to Ontario's more than half-million South Asians and the one billion Hindus and Sikhs worldwide who celebrate Diwali.

Namaste. Sat Sri Akal.

NEW DEMOCRATIC PARTY

Mr Bruce Crozier (Essex): I rise today to speak about myths and reality.

Howard Hampton and the NDP are trying to breathe life into their tired and dying party by twisting the facts on their Ontario Hydro policy. The NDP want to close the border to all hydro imports. That would leave Ontario sweating on hot summer days. The NDP want to stop the thousands of megawatts of new and clean gas-powered electrical generation coming from the private sector. That would leave Ontario in darkness on cold winter nights. And the NDP wants to give Ernie Eves's Ontario Power Generation 100% control over our electrical generation, despite all their failures. That would result in billions of dollars in new taxes and even higher debt.

There is no wonder the NDP is a tired, dying party that history is leaving behind. Their federal party's leadership race has attracted just 5,000 new people across the whole of Canada's 301 ridings, and absolutely no news. To put that in perspective, there are single Ontario Liberal riding associations supported by more than 7,000 members.

The public is on to the NDP. They know that, like their public auto insurance policy before this, the NDP hydro platform will never see the light of day, because they don't trust Howard Hampton and the NDP with hydro any more than they trust them to run our economy.

HALL OF DISTINCTION BUSINESS EXCELLENCE AWARDS

Mrs Julia Munro (York North): Last Wednesday, October 23, 2002, I had the honour and pleasure of attending an event hosted by the Newmarket Chamber of Commerce, the annual Hall of Distinction Awards, 2002. There are five categories of awards.

The first one, the new business award, was awarded this year to We Care Home Health Services. This award recognizes successful and innovative new entrepreneurs. The firm must be at least one year old and cannot have been in existence for more than five years.

The Bell technology award was awarded to Phoenix Systems. This business has demonstrated innovation in the use of technology in the ever-changing communications area.

The award for developing international trade was awarded to R. Reininger and Son. This award recognizes outstanding achievement in the development of export

markets. Recognition received from governments and organizations outside of our community is also taken into consideration for this award.

The award for extraordinary business achievements went to the Upper Canada Mall. This award recognizes a successful entrepreneurial business, whether large or small. The areas of achievement include research and development, growth, new market development and community service.

The final award, the founder's award, was awarded to Charles E. Boyd Insurance Ltd. This honour recognizes the founding fathers and mothers of the Newmarket community. These are the people who have dedicated their working lives to making Newmarket the commercial centre it is today.

GOVERNMENT'S RECORD

Mr George Smitherman (Toronto Centre-Rosedale): There's a new movie playing all across Ontario. It's a real gory thriller called Nightmare on Tory Street. Work with me. It's all about a slick Bay Street banker who buys his way into the Premier's chair so that he can continue to look after his friends at the Eves trough with government appointments.

But what he doesn't know is that all the ghosts and goblins from the last guy are still there to haunt him. His own staff starts leaking cabinet documents. His ministers sign deals to give away millions to professional sports teams. And then his own scary policies from the past come back to haunt him. Schools are crumbling, families can't access life-saving surgeries, children don't have textbooks, and hydro bills—well, they're skyrocketing.

This guy just can't seem to get it under control, even though they refer to his office as the Kremlin. He said he was going to be Dalton McGuinty's worst nightmare, but it's the people in his own party who are jolted awake in the middle of the night in a cold sweat. It's the people in Tory Town who are screaming out in horror. He's plummeting in the polls. No one knows where he stands on any issue. No one knows why he wants to be Premier. He has no plan to fix the services he broke.

The nightmare is very real on Tory Street. People like Jim Flaherty, Mike Harris, Tony Clement, Janet Ecker and Chris Pipe-up Stockwell can be heard crying out, "When will this nightmare ever end?" But children, don't worry. There is a happy ending: Dalton McGuinty and the Ontario Liberals form the next government and sweep up the Tory mess.

1340

TERRY HARKINS

Mr Garfield Dunlop (Simcoe North): It's a pleasure to be here today to listen to the fairytales from across the way.

I'm very excited to be here today to speak about a special event that happened on October 19, when we had

the Ontario Medal for Good Citizenship awarded right here in our provincial Legislature.

Terry Harkins, a friend of mine who actually resides in Sean Conway's riding, was a recipient of one of the awards. I want to mention a little bit about Terry's background.

Terry is a former educator and now he's a full-time volunteer in our province. First of all, he's the chief superintendent of the Ontario Provincial Police auxiliary program. For people who don't know that program, and I hope everyone in this gallery understands, there are 940 auxiliary officers in our Ontario Provincial Police program. It's the largest auxiliary program, I believe, in the world. It's also the main recruitment area for the Ontario Provincial Police.

As well, Terry is the president of the Ontario Education Leadership Centre at Longford Mills. Each year the Ontario Education Leadership Centre graduates 2,200 young leaders from across our province.

I wanted to congratulate Terry on a job well done and on his Ontario Medal for Good Citizenship.

RACIAL PROFILING

Mr Gerry Phillips (Scarborough-Agincourt): Leaders from the black community held a press conference this morning. They expressed serious concerns about events surrounding the black community over the past few weeks in Toronto. They point out that this is far broader than simply a police issue. I very much share their concerns.

The community made a request of Premier Eves to take action. They point out that this issue has been studied, with major studies, several times over the past few years and many of the recommendations have not yet been implemented. My colleague Alvin Curling is at a media event with the Premier now and I think the question may be asked of him.

I believe the recommendation the group made this morning is a good one, and that is to request the Premier to find a way to have someone or some people look at the studies that have been done over the past few years, look at the recommendations, look at which ones haven't been implemented, find out why, and put forward an action plan to make sure that the ones that should go forward do in fact go forward.

I repeat what I said earlier in the week in the Legislature. This is an extremely serious issue, not only for Toronto but also for Ontario. There is a risk of our communities being very deeply divided. It requires calm and decisive leadership.

I would urge the Premier to look seriously at the recommendation that was made this morning, for him to examine those reports, to look at those recommendations and to proceed with a plan for implementing the appropriate ones.

ONTARIO VOLUNTEER AWARDS

Mr Bart Maves (Niagara Falls): On Tuesday, October 28, I had the wonderful opportunity of presenting Ontario Volunteer Awards to many dedicated, hard-working Niagara constituents.

The volunteer recipients included Harold Detlor and Hugh Detlor—posthumously accepted on his behalf by his daughter—for 50-plus years with the 1st Niagara Scout Group. Thank you and congratulations to both men for their inspiring dedication and commitment; also Sylvia Fast for 30 years of dedication to the same organization.

Niagara Boys and Girls Club volunteer Larry Webster was recognized for 25 years of service to that great organization. Other Niagara Boys and Girls Club recipients included Dora Nicholson, Dan Nywenig, Brian Pellow, John Russell and Bill Walters, all for at least five years, and some for more, of service to the organization.

For the Niagara Falls Curling Club, Margaret Lyon was recognized—also accepted posthumously, by her daughter, Kim Gibson—for her 25 years of service to that organization.

For the Niagara Health System, recognized were volunteers Elizabeth Blanchfield and Evelyn Gavin, and as well as Peggy Johnston and Muriel Triano, both for over 30 years of service to the Greater Niagara General Hospital ladies' auxiliary; also Rita Viscentin for 20 years of service.

For Niagara-on-the-Lake Community Palliative Care Services, recognized were Emma Adams, Nancy Bongard, Joe Eden, Joyce Loewen, Tom Marlan and Peggy Walker.

Approximately 400 people received awards. I wish I could make mention of each and every one of them as they all deserve recognition for their volunteer services to the public.

INTRODUCTION OF BILLS

ENVIRONMENTAL PROTECTION AMENDMENT ACT (INDUSTRIAL FACILITIES), 2002

LOI DE 2002 MODIFIANT LA LOI SUR LA PROTECTION DE L'ENVIRONNEMENT (INSTALLATIONS INDUSTRIELLES)

Mr Levac moved first reading of the following bill:

Bill 202, An Act to amend the Environmental Protection Act to regulate industrial facilities that use, store or treat hazardous materials / Projet de loi 202, Loi modifiant la Loi sur la protection de l'environnement pour réglementer les installations industrielles où sont utilisés, entreposés ou traités des matériaux dangereux.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Dave Levac (Brant): In my riding we've had to endure an extremely serious problem with brownfield sites caused by hazardous materials in the past. The bill amends the Environmental Protection Act to fill up some loopholes that exist by requiring that industrial facilities which regularly use, store or treat significant amounts of hazardous materials prepare and submit an environmental report on their property every five years. The report will be available to the public, submitted to both the Ministry of the Environment and the Minister of Health. A facility that is ceasing operations is required to submit a final environmental report. Owners of the industrial facilities are responsible for any environmental damage that occurs on their land while under their care. Hopefully this will rid us of brownfields forever.

ONTARIO DISABILITY SUPPORT PROGRAM AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI SUR LE PROGRAMME ONTARIEN DE SOUTIEN AUX PERSONNES HANDICAPÉES

Mr Parsons moved first reading of the following bill:

Bill 203, An Act to amend the Ontario Disability Support Program Act, 1997 to empower the Integrity Commissioner to determine the level of income support / Projet de loi 203, Loi modifiant la Loi de 1997 sur le Programme ontarien de soutien aux personnes handicapées en vue de donner au commissaire à l'intégrité le pouvoir de déterminer le niveau de soutien du revenu.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Ernie Parsons (Prince Edward-Hastings): This is a bill that shouldn't have to be introduced, but it is an opportunity to let the government do the right thing. Unfortunately, it seems we have to embarrass him. At a time when cabinet ministers are living on publicly funded steaks, we have people on ODSP depending on food banks.

The Speaker: Could you please just stick to your bill and the explanation? Don't let's get political, please.

Mr Parsons: This bill amends the Ontario Disability Support Program Act, 1997, to empower the Integrity Commissioner to make recommendations concerning the level of income support to be set by the Lieutenant Governor in Council under the program and the time and manner of providing it. This is a bill that does not cause the Legislature to spend money but provides for recommendations to be made. Legal opinion that I have received indicates that this is acceptable.

NO FREEZING IN THE DARK ACT (ONTARIO ENERGY BOARD AMENDMENT), 2002

LOI DE 2002 SUR LE MAINTIEN DE L'APPROVISIONNEMENT EN ÉLECTRICITÉ ET EN GAZ (MODIFICATION DE LA LOI SUR LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO)

Mr Hampton moved first reading of the following bill:

Bill 204, An Act to amend the Ontario Energy Board Act, 1998 to protect residential consumers from the discontinuance of electricity and gas supplies during certain months / Projet de loi 204, Loi modifiant la Loi de 1998 sur la Commission de l'énergie de l'Ontario afin de protéger les consommateurs résidentiels contre l'interruption de l'approvisionnement en électricité et en gaz durant certains mois.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short explanation?

Mr Howard Hampton (Kenora-Rainy River): The bill amends the Ontario Energy Board Act, 1998, to provide that supplies of electricity and gas to residential consumers may not be discontinued without their consent during the period from October 1 to the following May 1 for any reason, including non-payment. The Ontario Energy Board is required to deal with complaints within 48 hours and to order reconnection if the distributor has contravened the no-discontinuance provision. The distributor is not permitted to charge a reconnection fee. Failure to comply with the reconnection order is an offence that may result in a fine of up to \$1 million. The bill also amends the act to prohibit requiring security deposits from low-income residential consumers. "Low income" is defined by the regulation. The short title of this act is the No Freezing in the Dark Act.

1350

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: I just want share with the House my thanks to the Minister of Community and Social Services for having fixed the problem of the young man, Mr Joannis, who was about to be discontinued from benefits while in hospital for a lung transplant. On behalf of the family and the people in our community, I want to thank her. We're very thankful.

ORAL QUESTIONS

ELECTRICITY SUPPLY AND DEMAND

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Energy and it concerns electricity supply in Ontario for the next few years. We've talked about the problems at Pickering A, Min-

ister, but today I want to raise with you another part of the supply problem.

A few years ago Ontario Hydro and Hydro-Québec entered into an agreement—I thought, a good agreement—to improve the electricity connection between Ontario and Quebec, to make available to Ontario, by not later than the year 2004, an additional 1,250 megawatts of Hydro-Québec power. Late reports now suggest that that Hydro-Québec-Ontario Hydro transmission improvement in eastern Ontario and western Quebec is bogged down with some difficulty. Could you report to the Legislature, Minister of Energy, as to what you understand the difficulty to be and, more importantly, when you think the Ontario electricity market will actually get access to that 1,250 megawatts of Hydro-Québec power that we had been expecting not later than the year 2004?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I met with the chair of Hydro One just last week and again yesterday to discuss this important issue. It's important for the grid and it's certainly important for eastern Ontario and indeed for the entire province. In fact, all regulatory approvals are in place on our side of the border. This would use an existing corridor, which makes the project have obvious merits. Obviously, we'd like access to low-cost hydro-electric power from northern Quebec. I'm confident the project will be able to proceed. We're working quite hard with our colleagues in Quebec and we're hoping that they can get the necessary decisions on their proposed rates from their regulator.

Mr Conway: This is extremely important for all of the electricity consumers of Ontario, who are going to be experiencing a great deal of pain over the next number of months because, among other things, and perhaps centrally, the problem that we face in Ontario in the short and intermediate term, and by that I mean the next very few years, is that we've got too much domestic electricity demand chasing too little electricity supply provided by domestic generators. Add to that that the Ontario hydro company dominates our market to the tune of over 70%.

Minister, your plan, the Mike Harris-Ernie Eves plan, to get us through these very difficult years, 1999-2004, anticipated 2,060 megawatts of nuclear power at Pickering A coming back on stream about now and 1,250 megawatts of Hydro-Québec power being available to our domestic economy not later than 2004. Those two projects are in deep trouble and they are being delayed every bloody week. What is your plan to make up for the loss of 3,300 megawatts of domestic Canadian supply for the Ontario market at a time when consumers are being crucified with high prices, largely because we have a real and growing shortage of domestic supply?

Hon Mr Baird: Huron Wind will be opening up a new project next month. TransAlta will be opening up a plant in the Sarnia area early this coming year. We're optimistic that we can get three of the nuclear reactors which are down up and running in 2003, two at Bruce and one at Pickering A. We do need more inter-connection with our neighbouring jurisdictions; the

member opposite is right in that assertion. In fact, in Hydro One's own licence with the Ontario Energy Board they're required to increase it by 2,000 megawatts. We certainly are underlining the importance of that for the entire province, whether it's for working families, small business or large industry.

Mr Conway: Minister, given the consumer pain that is out there now on the electricity front, a pain that particularly in Toronto is going to become infinitely more serious in a very few months' time, and given the growing supply problem we've got domestically because of the serious and prolonged delays at Pickering A and the emerging problems with the delay on the Hydro-Québec project which was to provide us with 1,250 megawatts within about 18 months of this very time, can you explain to me and the electricity consumers of Ontario why the people of Ontario should not at the earliest time get an independent examination of what is actually going on at Pickering A, what the real costs are going to be, how long the delays are going to be and what the price implications are going to be for all classes of Ontario electricity consumers, who are screaming now and are going to be yelling in decibels that you will not like very much in a very few weeks' time?

Hon Mr Baird: Should there be an independent examination with respect to the supply in the province of Ontario? It may come as some surprise to the member opposite that I completely concur. There should be, and there is. The Independent Market Operator on a regular basis updates what they deem to be an adequate supply for the province of Ontario, and they look at the demand.

Last summer we had a reactor of some 800 megawatts down at Bruce B. That will be on-line for next summer. We believe we can get one of the reactors up at Pickering A. That should be on-line for next year. There are two additional reactors at Bruce; we believe that'll get on-line.

The member opposite points to a report, and I'd like to quote. I assume this is the report he's holding. It's the 18-month outlook from the independent professional market operator. What do these independent people who do this 18-month forecast say? "The energy production capability is generally expected to be well above ... demand levels in each month of the outlook period ... No additional energy is expected to be needed to meet the Ontario forecast energy demand." In fact, in this forecast they're not counting the three nuclear projects which we hope to get on-line next year in the province of Ontario.

HYDRO ONE

Mr Gerry Phillips (Scarborough-Agincourt): I follow up on Hydro One with the same minister. We have a document here that we received, indicating the process you plan to follow on the sale of the minority interest in Hydro One, which we are opposed to. It says here: "Hydro One equals 407 highway process. The transaction processes will follow the same processes as the 407 highway process."

The problem we have with that, Mr Minister, is that the 407 users got completely, totally ripped off on that process. It was all done behind closed doors. The lucky owners that bought it have seen their investment go up fourfold. SNC-Lavalin point out that they've put \$175 million into it. It's now worth four times that. So they did all right, the buyers.

My question is this: why in the world would you want to follow the same process in selling Hydro One as you did for the 407?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I'd be pleased to have that question answered by the Minister of Finance.

Hon Janet Ecker (Minister of Finance): I'd like to assure the honourable member that the purpose of selling the minority ownership or the minority share of Hydro One is to make sure that it is being done in a way that brings market discipline to the day-to-day operations of that organization, and I think the honourable member would agree that we've certainly seen the need for that in recent weeks and months; secondly, that it is done in a way that protects consumers; and thirdly, that it is done in a way that ensures the necessary capital improvements to make sure that those transmission lines are working, that they're up to date, that they're strong, that they're bringing dependable electricity to our businesses and our families. We need that new investment, and this will allow us to do that.

The process is being done in a very ethical manner. The process is being done according to the advice of transaction advisers with expertise in this field who've been chosen through a competitive process. So it is a very above-board, very ethical—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

1400

Mr Phillips: Well, it's done all behind closed doors. Nothing is out in the public. You ripped off the 407 users. I remember Premier Eves, at the time the Minister of Finance, said "We have protections in." The owners say, "I can take the tolls up without limit." The owners of the 407 have ripped off the users. You did not protect the consumers, and you're going to follow exactly the same process here. The 407 winner helped to write the request for proposal, and you're going to allow that same thing to happen here again. I say to you, this isn't some little private Ernie Eves company, this is the public company. Will you agree to make this process public and not follow that secret little thing behind closed doors that you did on the 407?

Hon Mrs Ecker: When we put out a request for proposals, when we put out a request for expressions of interest, that's a public process. That goes out. The information is there for those that wish to be part of making a bid to do this. We have BMO Nesbitt Burns and CIBC World Markets. If the honourable member is asking this House to believe that there is something wrong with the integrity of those two companies, then he should stand up and say so. I'm sure they'd be very interested to know

that the Liberal Party does not trust them to do an ethical job, does not trust them to provide expert advice to the government to move forward with maintaining the majority ownership in Hydro One but at the same time making sure there is private sector discipline, new investments to make sure those transmission lines do the job that Ontario families want them to do.

Mr Phillips: This gets more scary, because if you think the 407 process was open, you don't understand it. We're still in court trying to find out what in the world happened on tolls. The 407 owners said, "We're not going to give you that because that went into the request for proposal." Nothing could be further from the truth than that was open. It's still in court trying to inform the public of how in the world they can take tolls up without limit.

I say to you again, Minister, you're wrong on this one. This isn't some cozy little Bay Street deal where two companies are exchanging companies. This is the public's business. Will you agree to scrap that 407 process and make this a public process? If you're so determined to proceed with this sale, the public have a right to see it. Will you make this a public process, start to finish?

Hon Mrs Ecker: If the honourable member believes that the way to request advice, that the way to do contracts is to have a public debate about competitively sensitive information, again I'm sure the people in business whom they go out and ask for money would be really interested to know that is the consideration they give to a process that makes sure it is ethical, up front, above-board and is done in the best interests of taxpayers. That is indeed the process this government is following and will follow as we seek to get private sector discipline and new investments into the Hydro One organization.

HYDRO RATES

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Energy. Today I tabled a bill called the No Freezing in the Dark Act. It would stop hydro companies from cutting off someone's hydro during the cold winter. Clarissa Higgins, a single parent with two children who is disabled and trying to live on a fixed and limited income, had her hydro cut off earlier this fall. Only extraordinary efforts by my colleague Michael Prue persuaded social assistance to pay her hydro bill so the lights would come on again. This is a problem across this province, where people living on fixed and limited incomes are having their hydro cut off because their hydro bill doubled as a result of hydro deregulation and privatization. We must help these people during a cold winter. Will you pass my bill today?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I certainly share the concern that the member opposite raises. Electricity is an important commodity in people's everyday lives. I know in my community in eastern Ontario we went

through the ice storm. You never realize the importance of even a small amount of electricity to simply keep a furnace going, let alone to know the importance of it for electric heat.

The member opposite stood up in his place about two weeks ago, as I understood, and asked me, would I support his private members bill? I made a very honest offer to the member opposite that if he'd give me a copy of it, we'd be happy to review it, as I know all members have. Some two weeks later I still haven't received a copy. I know he tabled it earlier today. I still haven't got a copy. If you'd like to send one over, I would be happy to read it, as I'm sure members on both sides of the House would.

Mr Hampton: Minister, I'll send you over a copy right now. It is really a very simple bill that says a residential customer cannot have their electricity or gas cut off between October 1 and May 1; in other words, during the winter months. That's what it says. Right now, seniors living on fixed incomes and people who are trying to live on disability pensions in many communities across this province are having their hydro cut off, and then they're being told that if they want to have it reconnected they have to pay a reconnection fee of \$300, \$400 or \$500. That, on top of a hydro bill that's doubled as a result of hydro deregulation, is beyond their means.

It's a simple question, Minister: are you prepared to do something to help these people? Will you pass my private member's bill so that people will not have their hydro or gas disconnected during these cold winter months?

Hon Mr Baird: Over a period of a week or two weeks, for the fourth or fifth time, I have said to the member opposite, "May I see a copy of your bill? Could we have the opportunity to read it first?" I think that would be the responsible thing to do.

Mr Hampton: Minister, in Red Lake tonight it will be -15C; Thunder Bay, -7C; in Timmins-Kapuskasing, -15C; in Sudbury-North Bay, -10C. In Toronto tonight it will be -4C with a wind chill factor. What is it that you need to consider? You already know that people are having their hydro cut off because they cannot afford to pay hydro bills that have doubled. You know there are literally hundreds of thousands of apartments and other homes across this province that are heated electrically. If the hydro is shut off, they don't have heat and they don't have light.

We've seen you do incredible things to help your corporate friends, in terms of deregulated, privatized hydro. Will you pass my private member's bill to ensure that no one this winter freezes in the dark as a result of hydro bills that have gone through the roof?

Hon Mr Baird: Please send me a copy of your bill. You've just handed me something here, and do you know what it says: "Fourth question, racial profiling, asked by Michael Prue and Howard Hampton to the Deputy Premier," which I assume will going to the Minister of Public Safety and Security.

"Today, 30 groups delivered a letter to your Premier about the serious problem of racial profiling against the

African-Canadian communities. They say 20 years of studies have repeated the same recommendations and the time for study is over and the time for action is now. Your government can be part of the solution, or it can stand in the way, fostering more fear and more mistrust of the police in the community."

Elizabeth, if you'd like to answer this right now, I'll just hand it over to you.

The Speaker: New question.

Mr Hampton: To the Minister of Energy, you have a copy of my private member's bill. This shows the seriousness that your government takes of the issue of people having their hydro shut off.

There's another problem with hydro privatization and deregulation. About 80% of the tenants across this province pay for their hydro through their rent. We are already seeing cases where the landlord is applying for an extraordinary increase in rent to cover the hydro bill. But under your rebate scheme, when the rebate is paid out it will not go to the tenant, who has in effect paid the hydro bill through higher rent. The rebate will go to the landlord. This means that the tenant gets hit paying the hydro bill through the rent, but when the so-called rebate comes through, it never goes to the tenant.

Minister, what are you going to do to fix this obviously very unfair situation?

Hon Mr Baird: I want to thank the member opposite in respect to the prelude of his question. I finally did get a copy of his bill, and I will read it. I understand the seriousness with which the member raises it. I wish I had had it two weeks ago when he first raised the issue; I wish I had had it 10 minutes ago when he raised the issue. I will certainly give it consideration.

The leader of the third party raises an issue with respect to people in Ontario who have electricity as part of their rent. It is certainly an issue I'd be pleased to take back to discuss with my colleague the Minister of Municipal Affairs and Housing, and look at whether that should be on a gross or a net basis.

Mr Howard Hampton (Kenora-Rainy River): Minister, across this province, your deregulation and privatization is obviously being seen as a scam. Some people are becoming very wealthy, other people are having their hydro cut off and other people are seeing their hydro bills raised so high, they have no idea how they're going to pay them in the long term. It seems to me that there's an obvious unfairness here.

1410

What I want from you is a commitment right now that, where tenants have to pay for the hydro bill through their rent and the rent is increased substantially to cover the hydro bill, should there ever be some kind of hydro-electricity rebate, it will go to the tenants, not to the landlord. Will you make that commitment hard and firm here today, that some people will not continue to profit off hydro deregulation and privatization while other people continue to pay through the nose—in other words, tenants across this province?

Hon Mr Baird: I think the issue the leader of the third party brings to the House today, whether it's with respect to a gross or a net electricity bill with respect to rent increases, which are regulated in the province of Ontario, is one that should be looked at. I'm certainly committed to discussing the issue with my colleague the Minister of Housing.

HYDRO ONE

Mr Michael Bryant (St Paul's): My question is to the Minister of Energy. It is about this truly frightening "Hydro One equals 407 process" memo, which has got to be the hydro Halloween horror story of the day, with the government tricking and treating consumers to another Hydro One nightmare. One of the goblins at the fire sale, Minister, is the same company that is gouging Highway 407 users, and that is pretty scary to the consumers of Ontario. You are the shareholder of Hydro One, and you now have before you evidence that consumers are yet again going to be left in the dark. As the shareholder of this company, one of the most valuable assets that the province owns, what exactly are you doing to protect consumers in the midst of this Hydro One fire sale?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I'll refer this to the Minister of Finance.

Hon Janet Ecker (Minister of Finance): One of the important considerations for consumers is to make sure that when they turn the light switch on, the electricity is there. If we do not have new investment into the Hydro One transmission lines, that will not occur. This step will allow us to do that. We have laid that out as one of the reasons we are pursuing this course. It will enable consumers to make sure that those transmission lines have the latest technology, the latest way to proceed. That is why we are doing this. I think consumers would appreciate knowing that those lines are going to do the job families expect them to do when they turn on those light switches.

Mr Bryant: What consumers do not appreciate is a fire sale to pay off your election promises but which is not in the long-term interests of Ontario consumers. What consumers would appreciate is that the electricity transmission highway not be sold. Why? Amongst other things, you are adding even more volatility to an already chaotic electricity competition marketplace. That is something the shareholder for Hydro One, the Minister of Energy, has got to answer to.

The problem with using the Hydro-407 model to sell off Hydro One is quite simply that it's going to mean that just as the tolls went through the roof, so too will the transmission part of people's hydro bills. This is a nightmare for consumers. I say again to the Minister of Energy, you're the shareholder, and yet again you're asleep at the switch in the midst of the sell-off of Hydro One. You wasted millions of dollars on the IPO in brokers' fees, in legal fees—millions, for nothing. Now you're back to the Hydro-407 process as a model. What

are you doing, Minister of Energy, to protect consumers, as the shareholder of Hydro One?

Hon Mrs Ecker: The Liberal Party loves to stand up and quote the auditor. They think that the auditor's opinion is very valuable. Well, on the 407 process that the honourable member across there is saying was so bad, Mr Peters, the auditor, has stated publicly that the sale of Highway 407 was really very well handled.

FIREFIGHTERS

Mr Ted Arnott (Waterloo-Wellington): My question is for the Minister of Public Safety and Security. The minister knows that my private member's Bill 30, the Volunteer Firefighters Employment Protection Act, has received the support of this House in principle, and passed second reading on June 6.

Bill 30 protects double-hatter firefighters. Double-hatters are usually full-time firefighters who work for a city department, but also serve as volunteer firefighters in their off-hours in their home communities. The professional firefighters' union has been threatening these firefighters with the loss of their full-time jobs if they refuse to quit as volunteers. If they're forced to quit and their expertise is lost, that loss would severely weaken Ontario's volunteer forces and their ability to respond to emergencies.

Bill 30 had public hearings before the standing committee on justice and social policy this month. I heard strong support there. In fact, of all the witnesses who made presentations, only union representatives were opposed to the bill. Last Wednesday, the committee chair reported back to this House, and members of the opposition parties voted against receiving back the amended bill. Had they been successful, they would have killed Bill 30. I have brought the solution to this problem forward as far as I can, and now it is in the hands of the government. My question to the minister is this: will he support Bill 30?

Hon Robert W. Runciman (Minister of Public Safety and Security): I thank the member for the question. I want to take this opportunity to congratulate the member from Waterloo-Wellington on his outstanding work, in the finest tradition of private members' initiatives in this assembly.

The concern embodied in his legislation is a legitimate concern held by many municipalities across this province, and certainly amongst volunteer firefighters in Ontario, many of whom are two-hatters who work as professional firefighters and also volunteer in their home communities.

Early on in my tenure of six months, I asked the fire marshal to conduct consultations with all of the stakeholders to see if we could arrive at a remedy at the table, rather than looking at a legislative solution. Unfortunately, that has not been achieved. I indicated some time ago that if we cannot achieve a resolution through discussion, through consultation, I am quite prepared to consider a legislative solution.

Mr Arnott: I appreciate the work that the minister is doing and his understanding of the significance of this issue for communities right across the province. I didn't hear him say he supported the bill, but I'm hoping to give him an opportunity in the supplementary to say so.

Bill 30 has the strong support of the Fire Fighters Association of Ontario, which represents the volunteer firefighters, many of whom are here today in the gallery.

Applause.

Mr Arnott: They do deserve our support and our appreciation.

The Association of Municipalities of Ontario has written each government MPP this week asking for support for my bill. There is growing and broad-based support for Bill 30, but time is of the essence because more double-hatters are under pressure to resign. In an ominous threat, the firefighters' union says it plans to phase out all double-hatters, and on October 1 they lifted their moratorium on charges against double-hatters for their volunteer service, effectively declaring open season on the double-hatters.

Here is what Ontario Fire Marshal Bernard Moyle had to say about the union leadership's decision at the hearings on Bill 30: "The sudden or phased-out withdrawal of two-hatters from communities dependent on volunteer fire departments could significantly impact on their ability to provide an adequate level of fire protection and may in some cases pose a potential serious threat to public safety." The fire marshal went on to explain how losing double-hatters would weaken the volunteer forces, and he concluded that legislation to protect them is needed. Will the minister protect public safety in Ontario by encouraging the government to take a position in support of my bill, and will he support having it called for third-reading debate immediately?

Hon Mr Runciman: I want to echo the member's comments with respect to volunteers in this province. Volunteer firefighters do an enormous job in so many communities across this province, and are so important to many of us in this assembly and in the constituencies we represent, including mine.

What the member is talking about I think is essentially a House management issue. I have, as well as the member, discussed this with the House leader. I think the member also appreciates that I have a number of stakeholders whose views I have to represent around the government tables. I don't think it would be appropriate for me to take a public position at this time.

1420

NATURAL GAS RATES

Mr Dwight Duncan (Windsor-St Clair): I have a question for the Minister of Energy. In August of this year, as you know, the Ontario Energy Board approved a retroactive rate increase for Union Gas. Subsequent to that, Union Gas sent around to every school board in the province a breakdown of what the retroactive charge would be for them. I have a letter in my hand from the

Windsor-Essex Catholic District School Board saying that the impact of that decision will be \$144,000 on this year's budget. Subsequent to that, the Premier said he found the decision unacceptable. You have commenced a review of OEB policies and procedures and written to members and others. Minister, what do you propose to tell school boards who, in this letter and right across the province, say that their budgets do not contemplate this, and second, have said to us that in fact they'll have to take the money out of operating budgets for schools—that is, money away from textbooks and everything else in the classroom? What do you say to those, in light of the fact that your review does not appear to address this very serious issue?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I'll refer the supplementary to my colleague the Minister of Education, who wants to talk about school boards.

I can say—two issues with respect to the whole issue of retroactivity. I'm a consumer like everyone else and I don't think anyone in Ontario likes retroactive charges. The Premier was concerned, on the whole issue of retroactivity, about how the mandate of the Ontario Energy Board has perhaps grown faster than it could. I do believe there are a substantial number of issues we could look at to improve the board's ability to discharge its responsibilities. We're conducting a complete review of the board and hope to be able to report back to cabinet within 100 days of that review. We've put out a discussion paper of late to solicit views, including school boards, including other consumers of energy in the province, to get their ideas and their insights on what is an important issue.

Mr Duncan: In fact, Minister, right now under the Ontario Energy Board Act, section 34(1), cabinet has the power to order the OEB to review any decision related to this. There are certain conditions, and those conditions have been met by two organizations: the Ontario Association of School Business Officials and the Ontario Public School Boards' Association, who have filed with the clerk of cabinet petitions to cabinet to order the Ontario Energy Board to have another hearing on this matter, hopefully with an eye to overturning it.

In light of the impact of this on school boards, hospitals, colleges, universities, and in light of the context of what we know is coming down the path in terms of hydroelectric prices and hydroelectric concerns, will you as a cabinet, as per your own act, as per the petition presented to the secretary of cabinet with respect to this issue, order the Ontario Energy Board to review their decision and to hold another hearing?

The other thing you should know, Minister: there was no public notification of these hearings—no opportunities for anybody to participate in this decision-making outside of Union Gas and the Ontario Energy Board. Will you use the powers now available to you?

Hon Mr Baird: The member opposite wrote my leader and the Premier on October 16, saying that the government in fact had "the power to overturn the

approval," and he stands in his place and suggests we have the power simply to review. I've got section 34 here and I've got section 27. If he reads section 28 and section 34 and the entire Ontario Energy Board Act with respect to these issues, then he'll know that not only does a decision have to be made but an order has to be issued. We do have a decision in this case, but no order has been issued. We're awaiting that. We expect it at some time in the near future, perhaps within a one-month period. Then that's an opportunity when we'll be able to consider the appeal, which I've certainly seen and am keenly aware of.

The Premier did take this issue tremendously seriously. He didn't want just a review of this particular issue but indeed of the whole board because we do treat these issues with great concern.

ELDER ABUSE

Mrs Julia Munro (York North): My question is for the minister responsible for seniors. Representatives from my community recently came to Toronto to meet with colleagues from across Ontario interested in addressing elder abuse. Elder abuse is an urgent community matter that concerns all citizens and compromises the well-being of countless older adults, their families and communities. Can you tell me how this meeting was connected to Ontario's strategy to combat elder abuse?

Hon Carl DeFaria (Minister of Citizenship, minister responsible for seniors): I thank my colleague for the question. Our government's \$4.3-million strategy to combat elder abuse announced in March 2002 will build on the excellent work already being done in communities across Ontario. My ministry, along with the Ontario Network for the Prevention of Elder Abuse and the Ministry of the Attorney General, recently organized two networking meetings for community groups and individuals interested in addressing elder abuse. Over 100 participants came from across Ontario to share information and best practices and explore new partnerships. They have created a new network to help implement the three priorities of the elder abuse strategy: coordination of local services, training of front-line staff from various professions, and public education to raise awareness of elder abuse.

Mrs Munro: I thank the minister for his response. I understand that as part of Ontario's strategy to combat elder abuse, an elder abuse conference is being held in November of this year. Elder abuse is a very serious matter that has also recently gained growing awareness as a worldwide phenomenon. Research, education and training are important in addressing this issue. Minister, can you elaborate on the purpose of this conference?

Hon Mr DeFaria: I'll be pleased to do so. We have been working with our partners to plan a conference called Sharing Solutions: Defining the Future. The conference will be held in Toronto between November 18 and 20 of this year. It will bring together experts from across Ontario, Canada and around the world to share

their knowledge and the new ways people are responding to elder abuse.

Along with myself and my colleague the Attorney General, we are pleased to welcome some very exciting keynote speakers and international experts who will share with us their expertise and knowledge in this field. The conference will allow seniors and professionals to exchange ideas and learn about best practices on this issue.

The government is listening to Ontarians who have asked us to respond to this serious growing problem. We have taken action and will continue to do so to implement those strategies to combat elder abuse with inputs from communities across Ontario.

COCHLEAR IMPLANTS

Ms Shelley Martel (Nickel Belt): I have a question to the Minister of Health. Micheline Maginsky is in the gallery today. She's a 37-year-old mother of four. She began to lose her hearing as a child. She was profoundly deaf by her mid-twenties. She is a candidate for cochlear implant surgery, which will change her life by finally allowing her to hear her children's voices.

Doctors at the Sunnybrook cochlear implant program have told us that due to dramatic advances in technology, the number of candidates for surgery has skyrocketed, and that is why they made a request to you to increase their quota of cochlear implants from 35 to 50 this year to reduce the waiting list down to one year.

You provided some funding, but Micheline must wait until February 2004 to hear again, a total wait of over three years. Minister, will you expand Sunnybrook's cochlear implant program so patients like Micheline will hear again next year?

Hon Tony Clement (Minister of Health and Long-Term Care): I thank the honourable member for bringing this particular case to my attention. Although I will not comment on a particular case, I can say generally that we have been increasing year over year the funding for cochlear implants. If I have to be stood corrected, I will correct the record, but I believe this year the funding increase is for between 25 and 32 new operations. That has been the record to date. We have been increasing it year on year. Certainly when we review budgets over the next few months, I will take the honourable member's advice into consideration, as well as the situation that she describes. Of course we want as much access as possible, given the level of demand for this particular type of service, as we can possibly get.

1430

Ms Martel: Minister, if I might, Micheline is not the only one here in the gallery today who is affected. We've got a number of other patients: Vatsala Shetty Bojara, David Zimmerman, Michael Godin, Gary McCarthy, Eileen Bell, their families, and the families of Frances Mezei and Erelene Cardella. All of them will have to wait three to four years just to hear again with the Sunnybrook program.

You know that 70% of all of the transplants in Ontario are done at Sunnybrook. Anglophone patients from the north as well come to Sunnybrook for transplants. You also know that it is not an option for these patients to go to one of the other two adult centres, because they have their own waiting lists and their own quotas.

Increasing the number of implant surgeries is going to dramatically change the life of these patients, their families and all the others who are on the waiting list at Sunnybrook. I ask you again, will you expand the program at Sunnybrook to allow these people to hear again next year?

Hon Mr Clement: I want to assure this House that we have expanded the program, we are expanding the program. The program has received increased funding. It has been a priority of ours since the technology has come into existence to ensure that it received as much funding as possible, given the level of expertise that we have to continue to find and so forth.

I want to assure the honourable member and, through her, those who are interested in this particular issue that our government, the Ernie Eves government, does support this particular type of procedure. We want to see more procedures done in our province. We certainly have been putting our money where our mouth is, if I can use that phrase, in the past and will continue to do so in the future.

HYDRO RATES

Mr Steve Peters (Elgin-Middlesex-London): My question is for the Minister of Energy. Minister, I'd like to cite for you some local examples of your hydro mess. Mrs Shirley Bechard, central Elgin, has watched her bill rise from \$200 to \$900. Frank Suras, a west Elgin farmer, has seen his bill rise from \$3,000 to \$4,000. John Walker Jr, a Malahide farmer, has seen his bill rise from \$2,600 to \$4,000.

Minister, your policies are causing real hurt. People are flocking to my constituency office truly worried that they can't pay their bills. Farmers, who we all know are already struggling in this province, cannot afford to have this added burden placed on them.

Brownouts, service delays and rip-offs on billing charges were all part of the discussions at a recent Ontario Federation of Agriculture directors' meeting. Bill Mailloux, OFA vice-president, said, "I just about blew a fuse when I got our bill."

Minister, I urge you to speak to your Minister of Agriculture so you hear what's going on out there. Speak to the minister of rural affairs and find out what's happening out there.

What do you have to say to rural residents, my constituents, who cannot afford to pay their hydro bills?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I share the concern the concern for working families, for small businesses, for farm operators and for large industry with respect to the uncertainty surrounding electricity prices in

the province of Ontario. There are a number of factors which have led to higher prices with which no one in the province of Ontario is comfortable. I won't spend all the time rhyming them off to the honourable member, because I'm sure he's heard me rhyme them off before.

As part of the market opening, there is a requirement that Ontario Power Generation provide a rebate to consumers, on a scale depending on if the rate was over 3.8 cents per kilowatt hour. That is certainly something that the Premier has asked me to look at and to report back to him on in short order.

I know the Minister of Agriculture and the minister of rural affairs are concerned. I represent a riding that has a significant part of it that's rural, and I certainly take the issue seriously myself.

The Speaker (Hon Gary Carr): Supplementary?

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Anita Murphy, who lives in St Ola in my riding, contacted my office, very angry about this hydro issue. She is a single mom who has invested her savings to build a small bed and breakfast on her property. She has three sleeping cabins, but before the cabins are even wired, Ontario Hydro has required her to pay \$2,200 in an administrative fee. That has nothing to do with the market opening. Before she even runs wires to the cabins, this is what she must pay. She is absolutely distraught, because she can't afford this fee and she is out of business even before she has opened her doors.

Another single parent in Bath, with an average monthly bill of about \$200, saw his most recent catch-up bill skyrocket to \$2,454.

Minister, constituents in my riding are outraged about hydro. When constituents have called the toll-free number that your government has provided in this brochure to deal with hydro complaints, they are told, "Call your MPP."

Minister, my question is, what are you going to do for Anita? What are you going to do for the man with the \$2,400 bill? What are you going to do for all Ontarians who are victims of your total incompetence on this file?

Hon Mr Baird: As I said to her colleague, the first member who asked the question, we are tremendously concerned about the effects this will have on working families, on farm operators and on small businesses. We're looking at the rebate program and hope to have something forward.

We are concerned about life in rural Ontario on this side of the House. That's why this member's constituents will want to know why she blocked attempts to try to help double-hatters, those volunteer firefighters who work so hard in our communities, that she personally tried to stop this government when we acted.

They will also ask her why, when this government and this Minister of Agriculture were trying to stop efforts to unionize the family farm, this member stood in her place and tried to stop that. Her constituents are awfully concerned about those issues. I wish she was as well.

FLU IMMUNIZATION

Ms Marilyn Mushinski (Scarborough Centre): My question is for the Minister of Health and Long-Term Care. I want to start off by thanking you for participating in the groundbreaking ceremony for the Hellenic Home for the Aged, a new long-term-care facility in my great riding of Scarborough Centre. I believe that goes to demonstrate yet another example of the commitment this government has to ensure the best quality of care for our seniors and our diverse communities and of course for the people of Ontario.

I understand that for the third year in a row Ontario's free universal influenza immunization program—try saying that in a hurry—is up and running all across the province. I know that for the previous two years the program has experienced great success, with more than nine million Ontarians having been vaccinated. As a result of the flu shot program, Ontario has experienced a sharp drop in the number of flu cases reported across Canada.

I was wondering if the Minister of Health could inform my constituents and this House about this year's flu immunization program.

Hon Tony Clement (Minister of Health and Long-Term Care): If I can say to the honourable member as well, it was certainly a pleasure to join with her in the groundbreaking ceremony for the Hellenic Home for the Aged yesterday. Indeed, that is another example of long-term care being delivered by the Ernie Eves government to this province.

When that facility is built and occupied, those residents will be welcome and indeed urged to take part in the universal flu vaccination program. It has been a great success to date, and we plan on building on that accomplishment. This year, the Ernie Eves government has committed \$21.5 million to purchase more than five million doses of vaccine. This is part of our ongoing commitment to health promotion and disease prevention.

I would like to take this opportunity, Mr Speaker, to urge you and, through you, the people of Ontario to take your flu shot and include your co-workers, your family and your friends.

Why should we have the flu shot? Here are some facts about the flu. Anyone, regardless of age, is at risk of becoming infected. The flu spreads easily and can be picked up through coughing, sneezing or by touching contaminated objects.

Again, I ask all Ontarians to get a flu shot. It's the healthy choice to take.

Ms Mushinski: I really appreciate that response, Minister, and again thank you for being in my riding yesterday for such an important announcement.

I know my constituents in Scarborough Centre are happy to know that the free flu shot program is being continued again this year. Most of us at one time or another have suffered from the flu. Believe me, I know it's not a very pleasant experience. I'm sure most people don't wish to experience the illness again, nor do they

wish to pass the flu on to their friends and loved ones. In fact, the feedback I've received from my constituents has been nothing but positive about this program.

Could the minister please inform the House how effective the flu shot is in preventing the illness, and could he please inform my constituents where and when in Scarborough they can receive the flu shot.

1440

Hon Mr Clement: First of all, I want to dispel a myth, that the flu shot is somehow not effective. Among healthy adults who are immunized, the flu shot is effective at reducing their infection by the flu by between 70% and 90%.

The free vaccine is available through a number of sources. People can receive the flu shot at doctors' offices, local health unit clinics, employer-sponsored clinics and at community health centres. We're all in favour of them as well. If anyone has any questions about the flu shot or would like information about a clinic where they live, they can phone the flu hotline at 1-866-FLU-N-YOU Which is 1-866-358-6968. In Scarborough they can phone 416-392-1250 or visit clinics such as the one at Scarborough Town Centre on November 8, 9, 14, 15 and 16.

I challenge all members of the House not only to get their flu shot themselves but to ask their staff to be immunized. I have already had my flu shot and my staff will be immunized tomorrow. Let's keep Ontario healthy.

The Speaker (Hon Gary Carr): Thank you to the brave minister.

SCHOOL BOARDS

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Education. Minister, I want to ask you about what some people are starting to recognize is a potential hoax being perpetrated in your name in Hamilton. It came out as a school's budget. Your supervisor, and you're the elected official to whom that person responds, came out and said that there would be no cuts to classrooms. That same person said there would be no closures of schools—widely reported in the Hamilton area. Yet yesterday that same supervisor held a closed-door meeting with the trustees whose powers you've taken away and said that four schools would be closed and, further, that there would be 42 classroom positions not filled.

Minister, you're the only elected official to whom the children can look to take responsibility for their well-being. Will you tell the House today what studies you have done to guarantee that the decisions made by your supervisors are not going to harm children? Because the cuts are certainly taking place.

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): It's absolutely unbelievable how somebody can take a good-news story that invests more in students, teachers and infrastructure and try to twist it. The budget that was balanced by Mr Murray includes increases for classroom teachers and consultants, up \$4.2

million; supply teachers, up \$1.2 million; classroom support staff, up \$650,000; textbooks and instructional supplies, up \$942,000; transportation, up \$137,000; school renewal maintenance pupil places, up \$1.14 million. Not only that: he had a surplus of \$514,000 and there were 7.2 new special education—

Interjections.

Mr Kennedy: We're just trying to figure out whether the person that wrote that budget was the \$6,000-a-month public relations person that you approved or maybe an accountant that used to work for Enron, Minister, because you know full well there is \$4 million less in classroom teaching than the basic budget put forward by the board, \$4 million less in janitors, \$700,000 less in support for the classroom. If you're so confident that the decisions made by your supervisor are in the best interests of Hamilton kids, the 42 positions that won't be put forward, then stand in this House today and guarantee, as you should—you're the only elected official in a position to do it—that no one will be harmed in their educational attainment in Hamilton this year because of what your supervisor's done. Make that assurance here today.

Hon Mrs Witmer: This is unbelievable. Here we have a good-news budget: we have more special education teachers, we have more consultants, we have more money for supply teachers. Look, this is unbelievable. Here is a supervisor who came in and looked at the budget that had been put forward by the staff of the Hamilton District School Board. He put students first. He was able to balance the budget. He had a surplus, and where did he reinvest it? He reinvested it in the students and in the teachers and in infrastructure. He did a great job.

Interjections.

The Speaker (Hon Gary Carr): The members for Hamilton East and Parkdale-High Park come to order. You've asked your question. We're on to the next member.

CHILD AND FAMILY SERVICES

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): My question is for the Minister of Community, Family and Children's Services. I've been hearing from some of my constituents in the great riding, as you know, of Bramalea-Gore-Malton-Springdale that more and more family members are being called upon to take care of other family members' children. An example would be grandparents caring for their grandchildren. What is the government doing to support family members like grandparents who are put in the position of caring for their own grandchildren?

Interjections.

Mr Dominic Agostino (Hamilton East): Oh, shut up.

The Speaker (Hon Gary Carr): I'd ask the member for Hamilton East to withdraw that.

Mr Agostino: Withdraw.

The Speaker: All members, we're getting down to the very end of question period, so let's cool it a little bit. The member is wrapping up. Sorry to interrupt you.

Mr Gill: Let me repeat my question. What is the government doing to support family members like grandparents who are put in the position of caring for their own grandchildren?

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I thank my colleague from Gore-Malton-Springdale for the question. A few days ago I had the opportunity to stand in the House and say thank you to all the foster parents who have come forward to care for children in Ontario. Indeed, we do see grandparents, and aunts and uncles and other family members caring for children in Ontario. We respect the care they provide, we appreciate it and we offer support.

Essentially, there are four avenues of support: through the foster care program; if there's an issue of child safety, the children's aid society is involved and care is provided very directly in support; adoption is an option, in which case child tax benefits are given to grandparents or to aunts and uncles, like all parents would receive. In very difficult circumstances, of course, a grandparent could sue for custody. But we also provide a program called the temporary care assistance program. This is a program that is available to all grandparents, aunts and uncles and other family members who provide that care, because it's important to us, we appreciate it and we do indeed—

The Speaker: I thank the minister.

Mr Gill: I want to thank the minister for that response. If I understood you correctly, you called it the temporary care assistance program. How long can these families qualify for assistance?

Hon Mrs Elliott: This program is provided when a child is in financial need and is living with an adult not legally obligated to support the child. This program is available until the child reaches the age of 18. It provides things like prescription drugs, dental and vision care, back to school allowances, winter clothing allowances, as well as monthly support in the amount of \$214, or in the case of additional children, \$174 for each child.

This is a very direct program to provide very direct assistance because it matters to us that people care enough about these children to take them, as family members, to care for them, to provide for them, for shelter, food, clothing and of course, most importantly, for love. The Ernie Eves government supports them in this endeavour, and has this very particular program to assist.

RACIAL PROFILING

Mr Michael Prue (Beaches-East York): I don't think the subject of my question should come as any surprise to the members opposite. Deputy Premier, 30 community groups were present today, downstairs, at a press conference. The Liberals were there to comment on that press conference, as was I, on behalf of the New Democratic Party, but there was no one from your caucus

there, no one to speak about what Conservatives are going to do.

When they went upstairs to see the Premier after that, they were met by an assistant. No political person was there to speak to them. These groups do not know where you stand on very, very vital issues to their community. They don't know where you stand on community violence and your plans to stem that violence. They don't know where you stand on racial profiling, and quite frankly, neither do we.

Those questions remain unanswered. You have had three days since we first posed these questions in the Legislature to your colleague Minister Runciman. What are you going to do to stop the racial profiling and what are you going to do to stop and stem the rising tide of violence in this city?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I'm going to refer it to the Minister of Public Safety, but the member opposite needs to know that we take this issue very seriously.

Hon Robert W. Runciman (Minister of Public Safety and Security): Right off the top I want to clarify, as I've said on a number of occasions, that this government does not support racial profiling by police services in Ontario. I think the member's other comments were unfair with respect to presence at the press conference. Both the Attorney General and I had scheduled a press conference on DNA legislation some time ago and were committed to that. If we could have been in attendance, we certainly would have had a representative there. We take these concerns very seriously. I've indicated in this House that I've spoken with both Chief Fantino and the Honourable Lincoln Alexander. We're working to achieve solutions and we want to work together with all members of this assembly.

1450

Mr Prue: I meant no umbrage to the minister, but there are 57 members of your caucus and you have a parliamentary assistant. Surely someone from the Conservative Party should have been there.

For my supplementary question, I would like to go back to the Deputy Premier. In the audience today we have a young woman who is young but wise beyond her years, Tanya Jeffers. She said she has had enough of the false promises, she has had enough of the broken promises of this government. Quite frankly, I can understand her frustration.

One of the first acts of the Harris government in the first mandate was to scrape the independent body to review complaints against police. The first community demand today and the primary demand today is that this body be reinstated. Much of the Harris agenda you have agreed, as a caucus over there, to undo. You have agreed to undo the hydro sale down to half. You've agreed to review school funding. You've agreed to postpone tax cuts. You've agreed to postpone funding of private schools. Will you agree to undo what was a very bad action five years ago and to reinstate an independent

body so that citizens can go to the police and know they're going to get a good answer?

Hon Mr Runciman: I appreciate the member taking a position on these issues, but I have to say that I hope his party and others in this House will not try to politicize this issue.

If you take a look, there's a graph of what police oversight looked like in 1994; a true maze, which no one in the public could understand or appreciate. I think we have simplified the process and made it more accessible. We've improved the turnaround times in a significant fashion. We have an independent oversight body in the Ontario Civilian Commission on Police Services.

For the party opposite to suggest that we have not done significant things to improve race relations and policing in this province is totally incorrect. We have significantly improved training for correctional officers, probation and parole officers, and police officers. The training now includes strong anti-racism and anti-discrimination components. It's now mandatory for correctional officers, probation and parole officers, and police officers to receive this anti-racism training. More than 7,700 correctional officers have received specific training through our anti-discrimination and anti-racism course. We have instituted very positive measures to prevent barriers to recruitment, hiring and promotion of racial minorities—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up. I thank him.

BUSINESS OF THE HOUSE

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I have in my hand the business of the House for next week.

Pursuant to standing order 55, I have a statement of business for next week.

Monday afternoon we will resume debate on Bill 175, which is the environment bill. On Monday evening we will continue debate on Bill 195, which is an environment bill.

Tuesday afternoon we will debate Bill 148, which is the emergency preparedness bill. Tuesday evening we will continue debate on Bill 180.

Wednesday afternoon we will debate Bill 180 again, which is the consumer protection bill. Wednesday evening's business is still to be determined.

Thursday morning during private members' business we will be discussing ballot item 67 standing in the name of Mrs McLeod, and ballot item 68 standing in the name of none other than Mr Ruprecht. Thursday afternoon we will begin debate on Bill 198, which is the new budget bill. Thursday evening's business is still to be determined. We will get back to you on that one.

VISITOR

Mr Gerry Phillips (Scarborough-Agincourt): On a point of order, Mr Speaker: I wonder if I might introduce

a visitor in the gallery from South Africa, Mr Doug Jackson, who is here to encourage trade between Canada and Ontario and South Africa. He also happens to be the president of Coca-Cola, but he's here in a different role. I might also thank Minister Flaherty, who has agreed to meet with him on very short notice. I appreciate that, and I'm sure he does as well.

PETITIONS

WATER EXTRACTION

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): "To the Legislative Assembly of Ontario:

"Whereas we, the residents and cottagers of Bob's Lake, strenuously object to the permit issued by the Ministry of the Environment to OMYA Inc to remove 1.5 million litres of water per day from the Tay River, without adequate assessment of the consequences and without adequate consultation with the public and those people and groups who have expertise and interest; and

"Whereas it is our belief that this water taking will drastically impact the environment and seriously affect the water levels in Bob's and Christie lakes. This in turn would affect fish spawning beds as well as habitat. It would also affect the wildlife in and around the lakes;

"Whereas Bob's Lake and the Tay River watershed are already highly stressed by the historic responsibility of Parks Canada to use Bob's Lake as a reservoir for the Rideau Canal; and

"Whereas the movement of water from the lake through the watershed for navigation purposes in the canal provides sufficient stress and problems for the lake. This water taking permit will only compound the stresses on the waterway;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We request that this permit be rescinded until a comprehensive evaluation of the impact of water taking by OMYA Inc on the environment, the water levels and the water needs of these communities is complete. An independent non-partisan body should undertake this evaluation."

I will sign this petition because I am in favour of it. I will ask Michelle, the page, to take it to the table for me.

ADOPTION DISCLOSURE

Ms Marilyn Churley (Toronto-Danforth): It's nice to see a woman in the chair again.

I have more petitions on adoption disclosure reform. They read as follows:

"To the Legislative Assembly of Ontario:

"Whereas in Ontario, adopted adults are denied a right available to all non-adoptees, that is, the unrestricted

right to identifying information concerning their family of origin;

"Whereas Canada has ratified standards of civil and human rights in the Charter of Rights and Freedoms, the UN Declaration of Human Rights and the UN Convention on the Rights of the Child;

"Whereas these rights are denied to persons affected by the secrecy provisions in the adoption sections of the Child and Family Services Act and other acts of the province of Ontario;

"Whereas research in other jurisdictions has demonstrated that disclosure does not cause harm, that access to such information is beneficial to adult adoptees, adoptive parents and birth parents, and that birth parents rarely requested or were promised anonymity;

"We, the undersigned, petition the Legislature of Ontario to enact revision of the Child and Family Services Act and other acts to permit adult adoptees unrestricted access to full personal identifying birth information; permit birth parents, grandparents and siblings access to the adopted person's amended birth certificate when the adopted person reaches age 18; permit adoptive parents unrestricted access to identifying birth information of their minor children; allow adopted persons and birth relatives to file a contact veto restricting contact by the searching party; and replace mandatory reunion counselling with optional counselling."

I will affix my signature to this petition.

The Acting Speaker (Ms Marilyn Mushinski): The member for Hamilton—Hastings-Frontenac. Sorry.

1500

LONG-TERM CARE

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): "To the Legislative Assembly of Ontario:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's

long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I will affix my signature to this petition because I am wholeheartedly in agreement. I will pass it to Matthew, who will take it to the table for me.

The Acting Speaker (Ms Marilyn Mushinski): Thank you, and I do apologize to the member for Hastings-Frontenac-Lennox and Addington.

ADOPTION DISCLOSURE

Ms Marilyn Churley (Toronto-Danforth): I have yet again another petition dealing with adoption disclosure reform. It reads:

"To the Legislative Assembly of Ontario:

"Whereas in Ontario, adopted adults are denied a right available to all non-adoptees, that is, the unrestricted right to identifying information concerning their family of origin;

"Whereas Canada has ratified standards of civil and human rights in the Charter of Rights and Freedoms, the UN Declaration of Human Rights and the UN Convention on the Rights of the Child;

"Whereas these rights are denied to persons affected by the secrecy provisions in the adoption sections of the Child and Family Services Act and other acts of the province of Ontario;

"Whereas research in other jurisdictions has demonstrated that disclosure does not cause harm, that access to such information is beneficial to adult adoptees, adoptive parents and birth parents, and that birth parents rarely requested or were promised anonymity;

"We, the undersigned, petition the Legislature of Ontario to enact revision of the Child and Family Services Act and other acts to permit adult adoptees unrestricted access to full personal identifying birth information; permit birth parents, grandparents and siblings access to the adopted person's amended birth certificate when the adopted person reaches age 18; permit adoptive parents unrestricted access to identifying birth information of their minor children; allow adopted persons and birth relatives to file a contact veto restricting contact by the searching party; replace mandatory reunion counselling with optional counselling."

Again I will affix my signature to this petition because, as you know, I am fully in agreement.

EDUCATION FUNDING

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): "To the Legislative Assembly of Ontario:

"Whereas the funding for school boards is now based on the student-focused funding legislative grants;

"Whereas the Hastings and Prince Edward District School Board is in a period of declining enrolment, a trend that is projected to continue over the next five years;

"Whereas application of the student-focused funding model for 2001-02 does not allow sufficient funding to the Hastings and Prince Edward District School Board for secretarial support in schools, principals and vice-principals, transportation or school operations;

"Whereas costs in these areas cannot be reduced at the same rate as the enrolment declines;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To reassess the student-focused funding formula for the 2002-03 school year to provide additional funding for those areas where funding is insufficient and to adjust future student-focused funding formulas to address the situation of declining enrolments faced by the Hastings and Prince Edward District School Board and other boards in Ontario."

I'm very pleased to affix my signature to this petition. I will hand it to Kalaneet, who will take it to the table for me.

Ms Marilyn Churley (Toronto-Danforth): What an opportunity today to present petitions. I have a petition from the Elementary Teachers' Federation of Ontario, and it reads:

"To the Ontario Legislature:

"Whereas the government has cut over \$2 billion from public education over the past seven years;

"Whereas the provincial funding formula does not provide sufficient funds for local district school board trustees to meet the needs of students;

"Whereas district school boards around the province have had to cut needed programs and services, including library, music, physical education and special education;

"Whereas the district school boards in Hamilton-Wentworth, Ottawa-Carlton and Toronto refused to make further cuts and were summarily replaced with government-appointed supervisors;

"Whereas these supervisors are undermining classroom education for hundreds of thousands of children;

"We, the undersigned elected leaders of the Elementary Teachers' Federation of Ontario, call on the government to restore local democracy by removing the supervisors in the Hamilton-Wentworth, Ottawa-Carlton and Toronto district school boards."

I am pleased to affix my signature to this petition, because I fully support it.

LONG-TERM CARE

Mr James J. Bradley (St Catharines): I have petitions that read as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% over three years or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year effective September 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month after three years; and

"Whereas this increase is above rent increase guidelines for tenants in the province of Ontario for 2002; and

"Whereas, according to the government's own funded study, Ontario will still rank last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost of living increase annually and that the provincial government provide adequate funding for nursing and personal care to a level that is at least at the average standard for nursing and personal care in those 10 jurisdictions included in the government's own study."

I affix my signature. I am in complete agreement.

COMPETITIVE ELECTRICITY MARKET

Mr Peter Kormos (Niagara Centre): This is a petition addressed to the government of Ontario.

"We, the undersigned residents of Ontario, recognize that,

"(1) Electricity rates in deregulated, private, for-profit markets such as Alberta and California fluctuate wildly in supply and price and are much higher-priced than in comparable public power systems;

"(2) Deregulation in California caused more blackouts than Ontario has suffered from ice storms or other natural disasters while public power has protected us from market fluctuations in supply as well as price;

"(3) At-cost electricity has helped build and support Ontario's economy, while deregulation would destabilize the economy, with soaring rates, reduced reliability and

increased production costs leading to plant closures, job loss and economic decline;

"(4) Soaring electricity rates would put a significant burden on school boards, hospitals, public transit and other public services which cannot afford to pay double for their electricity;

"(5) Seniors and other members of our communities on fixed incomes would be hard-hit by increasing rates, and the living standards of millions of Ontarians will be harmed;

"(6) Privatization will trigger NAFTA provisions, making it practically impossible to reverse this dangerous experiment and would cost us Canadian control over electricity;

"(7) Privatization, deregulation and loss of sovereignty would close the door on public accountability of the industry in regard to environmental safety and energy security concerns; and

"(8) An alternative exists in the form of a truly accountable, transparent and affordable publicly owned and controlled system operated at cost for the benefit of all Ontarians;

"Therefore, we demand that the Ontario government immediately halt the planned privatization, sell-off and deregulation of the public electricity system."

Linda Firth, along with so many others from down Welland and Niagara way, has signed that. I give this to Hin-Hey to deliver to the table.

1510

ORDERS OF THE DAY

CONSUMER PROTECTION STATUTE
LAW AMENDMENT ACT, 2002LOI DE 2002 MODIFIANT DES LOIS
EN CE QUI CONCERNE

LA PROTECTION DU CONSOMMATEUR

Resuming the adjourned debate on the motion for second reading of Bill 180, An Act to enact, amend or revise various Acts related to consumer protection / Projet de loi 180, Loi édictant, modifiant ou révisant diverses lois portant sur la protection du consommateur.

The Deputy Speaker (Mr Bert Johnson): You may recall that we had stood down the leadoff time for the NDP, I believe. Mr Prue had completed his debate and is present, so we would move on from there in rotation to questions and comments. I will look to my right to the government benches.

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I'm very pleased to rise today and to offer my words of support to—

Interjection.

Hon Mrs Elliott: Oh, we're on questions and comments? I apologize, Mr Speaker. I was prepared to—

Mr Michael Prue (Beaches-East York): You're not supporting me?

Hon Mrs Elliott: I will rise in support. I understand that this bill is being very well received by all sides in the House and—

Mr Peter Kormos (Niagara Centre): I'm speaking next.

Hon Mrs Elliott: Mr Kormos informs me that he has views opposite—but that is my understanding to date. Certainly it's a bill that I believe my constituents in Guelph-Wellington are going to receive very favourably. It's one of the more substantial bills we've had in the House in some time. I'm looking at it; it's 162 pages, very comprehensive, on behalf of the minister bringing forward his ideas. I think my colleagues who have been speaking here in the House will agree he is working very hard to try to protect consumers, who have a lot of different issues on their minds. This bill is comprehensive.

There are a number of topics that I think we would like to continue to debate later on this afternoon.

Mr James J. Bradley (St Catharines): I know that one of the concerns the member must have about legislation of this kind, even though the government explained to a certain extent that this was contained in other legislation, is the lack of protection for people in terms of energy costs. As we see people coming into our offices, as we listen to them on the phone and as we get letters, faxes and e-mails from them, we find out that many were duped by door-to-door people—

Mr Kormos: Conned.

Mr Bradley: Conned, says the member for Niagara Centre, by those who have come door to door to try to sell them a bill of goods, in other words, explaining that the cost of their energy, whether it was for natural gas or, most latterly, for electricity—that they were supposed to get a break if only they would sign this contract.

We have had members of this Legislature who have themselves been fraudulently dealt with. The member for Glengarry-Prescott-Russell had somebody forge his signature on one of these contracts.

Clearly this legislation does not deal with what people are talking about most today, and that is the fraud going on as it relates to electricity prices in this province. My colleague the member for Renfrew-Nipissing-Pembroke raised issues in the House yesterday about where the rebate is going to go. Yet again today, the issue was raised about people who are in a rental position and who will have their rents increase as a result of the increase in electrical costs and yet the rebate will not go back to them, the rebate will go to the landlord.

These are all issues that are simply not dealt with in this piece of legislation. People are concerned that this government has left them out in the cold, so to speak, when it comes to energy costs and their protection.

Mr Kormos: I listened carefully to the speech of the member for Beaches-East York, Mr Prue, and I want to tell you that once again he's hit the nail right on the head. I am concerned that the minister who just spoke in response to Mr Prue's extremely capable analysis of this bill may well not have listened as carefully as I did,

because Mr Prue was far from uncritical of this legislation. Mr Prue, in his analysis—and he focused on but two specific areas—pointed out again the incredible weakness of this legislation and its inability to really do what the minister who sponsors the bill would purport that it does.

There are anti-fraud provisions in the bill, but where is the real fraud here? Are the people being conned? Are they being taken? I am worried that in fact what is being passed off as consumer protection legislation is nothing more—and quite frankly, having read the bill, I find it to be little more—than a modest tinkering with the existing law. In fact, a great deal of the existing law is merely restated in this legislation. Think about it, friends. Take a look. There's a whole lot of this that is hardly new at all: same old, same old. Mr Prue doesn't think that's adequate, I don't think that's adequate. Fair-minded people across this province know it's not good enough.

I am going to have a chance to speak to this later this afternoon—Mr Christopherson has graced me with his one-hour leadoff—and I've got some things to tell you about this bill, its gross shortcomings, the inadequacies, indeed what I put to you as a betrayal of hard-working folks in this province, the kind of people I live with down in Niagara Centre, folks in Welland, Thorold, Pelham South, St Catharines who, by God, are being scammed once again.

Mr Garfield Dunlop (Simcoe North): Although, I have to tell you, I never heard the comments the other day from the member from Beaches-East York, I look forward to debate later this afternoon on this piece of legislation. I'll be speaking as part of the Progressive Conservative caucus's rotation here later this afternoon and look forward to discussing this very, very important piece of legislation.

I congratulate Minister Hudak for bringing forth this piece. It is important to consumers here in our province. I look forward to more comments surrounding some of the things that Mr Bradley, the member from St Catharines, said earlier.

I guess on a daily basis we're trying to figure out where the Liberals stand on hydro deregulation. They're flopping all over the place. I guess it's on an hourly basis now. It's like the IMO, the Independent Market Operator, checking the prices. One second they're talking about deregulation and all the wonderful things about it, then they're against privatization.

One thing I've got to tell you, Mr Prue, from our perspective in this caucus, is that we know where the New Democratic Party stands on hydro deregulation. Although we don't always agree with everything you say, at least I applaud you for taking a stand and staying firm in your commitment.

Again, I look forward to the debate as we go on this afternoon, and I appreciate the opportunity to make a few comments at this time.

The Deputy Speaker: The member for Beaches-East York has two minutes to respond.

Mr Prue: I thank the minister, the member from Guelph-Wellington, and the members from St Catharines, Niagara Centre and Simcoe North. I wish that some of them had heard a little more of my speech the other day, but I do understand that after several days members opposite may not have been in the House that day. Just to go over what I did talk about, I briefly alluded to the hydro scams that were out there, but, in the 20 minutes available to me, went on to talk about two things that I do not believe this bill contains and that the minister should have a very good look at. If we're going to talk about consumer protection, there are two very real places where a huge number of consumers are being ripped off on a daily basis.

One of them has to do with the white ABM machines, those machines you find that are not part of a chartered bank in Canada, that are simply set up sometimes in shopping malls or that are set up independently in ordinary stores. They charge what is considered by many to be usurious rates to access them. I gave the example, and my colleague Gilles Bisson was sitting beside me, of the time in Moosonee where I was with him and he needed \$100 and it cost \$7 to take \$100 out of the machine. Quite literally that, to me, seems usurious. That is the only machine that is in Moosonee and that entire community has only that one access. Seven dollars every time you need money from a bank machine is quite disgraceful.

The second thing I talked about was all of those cheque-cashing places where poor people have to go to cash their cheque or to get an advance, some of which charge up to 500% interest per year on the basis of fees and interest. The minister ought to look at putting those in.

I have no objections to what is contained in the bill. What I did speak about are those things that are not contained in the bill that should be there. I hope the minister was listening, and I thank everyone for their comments.

1520

The Deputy Speaker: Before the member for Beaches-East York goes off, would you please stand in your place and open your jacket so we can see that Halloween tie?

Applause.

Mr Prue: Isn't that a great one?

Deputy Speaker: Thank you.

Mr Prue: On a point of order, Mr Speaker: Perhaps if I could lend it to the member from Niagara Centre, it could be the first time he's ever worn a tie in this House.

The Deputy Speaker: That's not a point of order, but I'm sure it's agreeable with everybody.

We will continue with debate on Bill 180 and I'm looking in rotation to my right to the Minister of Community, Family and Children's Services from Guelph.

Hon Mrs Elliott: I'm very pleased to be able to rise and speak to this bill this afternoon. I think my colleague from Simcoe North and my colleague from Nipissing are

going to speak as well this afternoon on this very important bill.

As I mentioned in my remarks, this is a very substantial piece of legislation of 162 pages that our minister has brought before the House. It has been brought forward because there have been many long-standing issues raised by consumers, and it's our government under Minister Hudak that has come forward with the Consumer Protection Statute Law Amendment Act, or Bill 180.

Before I came to this place, I was a small business person. Although in my small business I had never really had much experience with fraudulent activities—certainly not as a direct result of my own business being involved in any situations of fraud—it was only really as an MPP that I began to have personal experiences with individuals who from time to time had been involved in fraudulent activity or, most importantly, had been a victim.

I think the majority of us would probably anticipate that victims would mainly be seniors, and that's in fact the case, but I was also surprised to learn how many students had been victims of fraud and, in many situations, people of low income who perhaps may not have been educated or felt bold enough to complain when things had gone awry.

I am told that the Ministry of Consumer and Business Services probably receives about 40,000 complaints a year from consumers who feel in some way or other they've been victimized by fraud, whether it's some sort of phoney charity or some sort of contract that never materialized, promises of wonderful things. Of course, the old adage is always true: if it sounds too good to be true, it probably isn't true. Nevertheless, people always want to believe in others. They are always hopeful that good things are going to happen to them in this life, and people do indeed fall victim to scams.

The top five most common scams we hear about are: advanced-fee loans scams, where a loan broker asks for an upfront fee before providing a loan; credit repair, where someone promises they'll fix your credit rating for a fee; home repairs, especially through door-to-door soliciting; motor vehicle repairs; and movers who may hold your possessions hostage for a fee.

I'm sorry. I'm finding it very difficult to concentrate because my colleague across the way from Welland has actually put on a tie in the Legislature. I think in the seven years I've been here, that's probably the first time I've ever seen him appropriately dressed in the Legislature. Congratulations. I hope it feels great and it becomes a pattern. At any rate, now that I've got that out of my system, I'll be able to concentrate.

Scams do a couple of things. They shake the confidence of consumers who, for the most part, deal with wonderful business people who try very hard to provide good services and goods. But when people have a bad experience, it tends to colour their thinking about how the world really works, and this is most unfortunate. It's kind of the same as when people hear of break-ins

and that sort of thing: they begin to feel less secure in their neighbourhoods, and that is not what we want in the province of Ontario. As much as we want people to feel safe and secure in their homes and on their streets and in their neighbourhoods, we want them to feel secure in their business relationships with the various people they purchase goods from in their communities.

As I said, we are concerned about seniors and students, but the other, I guess if you will, victim in scenarios of scam or fraud are businesses that are very legitimate businesses and work very hard to keep their reputation strong and vital. Many businesses in my community of Guelph-Wellington spend a great deal of time on community efforts, contributing to charities and so on and going above and beyond the everyday duties of running a business and selling products or services. When they see fraudulent activities occur, when their clients or their customers have these things happen to them, it casts a bit of a pall upon everybody. So if we can take actions to prevent fraud or, if it occurs, allow venues for citizens to seek redress as soon as possible, then that is exactly what government should be doing and I know that is the minister's intent in introducing this very comprehensive legislation.

Now, top of mind, most of us would probably think of fraud particularly in relation to telemarketing. I don't know about your household, Speaker, but certainly in my household, it's not uncommon for calls to be received, generally it seems around supertime, with people offering one service or another, and quite often they're very straightforward. It's a food service or it's a roofing service or it's a window service, but not necessarily so. Perhaps the more sophisticated the line, the more dangerous the situation is. This legislation, we believe, will help people from being taken advantage of in a number of situations like that, allowing them to be more informed by giving them information about the kinds of things to ask, the kinds of things to watch out for so they're not so susceptible and giving consumers the ability to cancel contracts more readily if they have an uneasy feeling. Quite often, what happens with seniors is they make a decision and they think it's the right thing, but they get talking to their sons or their daughters, who say, "Gee mom, gee dad, I don't know if that was the right thing to do. Let me have a look at that contract. Tell me more about that call, that decision you made." This legislation will improve the opportunities for those consumers to get those contracts cancelled.

Of course, the other part of this is clearer laws for consumers and for businesses to know what their rights and obligations are. This also gives more enforcement powers to the ministry, so when scam artists are discovered, we can shut them down.

We're very pleased to introduce this legislation as part of the Ernie Eves government. The most recent legislation passed along this topic was in the 1960s and 1970s and I know that the Minister, when he introduced it in September, referenced the fact that the Internet didn't even exist, televisions were relatively new luxury items

and that the world has really changed a lot over the last while, and that is so very true. We're supposed to live, I think, in a paperless society, but it seems to me that we live in a time when there's even more information coming at us, whether it's on television or in print, and consumers are offered more and more. Our society is becoming more and more affluent, thanks of course to the sound economic climate we've been able to establish here in the province of Ontario under former Premier Harris and Premier Eves. So we have more disposable income to spend on various services, and it's only appropriate that we make sure we make laws that are as timely and as effective as we possibly can.

In my own riding of Guelph-Wellington, time and time again I've met with real estate brokers who have really hoped that our government would introduce changes to the Real Estate and Business Brokers Act. I want to just mention the fact that we have indeed done that. We've taken a very responsible approach by revising the act, continuing with the office of the registrar and the director, requiring that persons trading be registered. The registrar is going to be permitted to deal with complaints made about registrants, and the power to inspect and investigate will be continued and modified. A discipline committee has been established. Brokerages are required to maintain trust accounts and unclaimed funds passed on to the administrative authority. There are provisions to prevent conflicts of interest, unethical behaviour, and general provisions to do with secrecy and to protect consumers.

1530

I had an experience not so very long ago myself when I saw first-hand a situation in real estate where it wasn't actually a situation where a law was broken, but it was certainly bent. The one agent involved explained to me that what had occurred was not all that uncommon; disappointing, yes, but not all that uncommon.

Our minister has been conscientious enough to bring this forward, and I know that the real estate brokers in my riding of Guelph-Wellington—and here's the minister in the House here today. Congratulations, Minister, for introducing this.

Hon Tim Hudak (Minister of Consumer and Business Services): You're speaking very well.

Hon Mrs Elliott: They were really thrilled to see this included because it's their profession that is tarnished when individual brokers or individual agents make errors. Particularly in the case of a house or someone is buying a condominium or something of that sort where they're putting a huge amount of their personal investment into a property like that, probably the largest investment they're going to make in any single thing in their lifetime, when things go awry or the deal is clouded or upset, the worries are great and the potential financial loss of course is tremendous. So security in this area is particularly important.

In this bill, the minister took a very close look at things that were most important to our constituents: housing—obviously very, very important, and he's

spoken directly to that issue in the act; vehicles; and travel. Over the last few years since we've been here, and before, every now and again we would see in the newspaper article after article where something would have gone terribly awry with an agency and those travelling would have been left holding the bag, wondering. Story after story would say, "How are they going to get home? How are they ever going to be reimbursed for this?" The minister has addressed that and worked very hard to try to solve that problem that, again, is expensive and leaves people in a very vulnerable position, particularly to do with travel, when their expectations were high for a very positive experience. In vehicles—very similar to what I just described in housing.

There are a few key principles that this bill has tried to address—for instance, extending consumer protections to services as well as goods. We often think in terms of someone buying something. Certainly the constituent who came to my office shortly after we were elected in 1995 was talking about a good. A very slick salesman had managed to sweet-talk his way into this lovely old gentleman's house, sold him a vacuum cleaner—the classic story. This gentleman, whose son had come and said, "Oh, gee, Dad, I think we're in a bit of a problem here," came to my constituency office for help.

Generally it is goods that people are concerned about. But it goes beyond the things we normally think about. It could be cable or cell phone, or lawn service, or home repair. This was one thing my aunt had great worries about—

Ms Marilyn Churley (Toronto-Danforth): On a point of order, Mr Speaker: I don't believe there's a quorum. Could you check for quorum, please?

The Deputy Speaker: Would you check and see if there is a quorum present?

Clerk at the Table (Ms Lisa Freedman): A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Deputy Speaker: Thank you. The Chair recognizes the minister from Guelph.

Hon Mrs Elliott: Thank you, Speaker. I was speaking about home repairs and I was about to tell a story about my aunt, who, after her husband died, found it quite a challenge to begin to look after her home when she was widowed, because every time something needed serious repair, whether it was roofing or concrete work around the steps and so on, she was always suspicious of repairmen or companies that would come to give her assistance. The changes here in the legislation, whether she would know it or not, would give her comfort in that these companies will now—this legislation hopefully will be passed before too very long—be held more accountable.

This legislation also extends protections to leases. It used to be in days past the business of business arrangements. Now, though, it can be anything, like cars or computers. So consumers will now know the true costs of the

lease—clear disclosure—allowing people to have the opportunity to read and understand the fine print and deal with it, if in fact they sign up for something that they weren't anticipating they were signing up for. Because there's also a re-emphasis on the ability for consumers to revisit a decision through the 10-day cooling-off period which we introduced a couple of years ago. This is enhanced through this bill.

The other piece that I thought was very interesting and timely—as I said, some of these pieces of legislation haven't been looked at or revised for 30 to 40 years—is that the minister has extended protections to the Internet. Almost everyone, it seems, is using the Internet and has decided to make purchases. There is a suspicion as to whether their transaction will be secure. I think perhaps that has probably inhibited Internet transactions, because people are a little bit worried about it. It appears that the ministry is receiving about 250 complaints a year, so clearly this is something that's going to grow. I think the minister and the ministry are being very wise in stepping forward now and looking for the areas of concern that are going to erupt—

Interjection: As they always do.

Hon Mrs Elliott: —as they always do, and making sure that there will be safety and security as best we are able to provide in on-line shopping.

Of course, this is not only for the consumer, but this is also for business in Ontario. This is a very interesting way for business to expand and have a piece of the worldwide market they were not able to be part of before. It's actually a very exciting way of doing business. Before I came to this place I had a business. In addition to my regular storefront, I also had a mail-order business. I can tell you that in our small little shop I was amazed at how quickly the word would spread just through print. We did business in the Yukon. People would call us from the States. We had people call from Europe because we were offering products that were very unique and that no one else could get. If we had had an Internet site, I can't imagine how much business would have increased. Perhaps I wouldn't be here. I think he's being very wise in adding that.

Hon Mr Hudak: We waited till after you were here, though.

Hon Mrs Elliott: Thank you.

There was one point that I did want to mention which I thought was worth noting for listeners who might be wondering about all of the different parts of this bill. This bill would actually invalidate negative option billing. This is something that has bothered an awful lot of people over some time, where a business sends a mailer or includes something that implies that business will continue unless you say no. So monies can be taken from a bank account. Even though it's something you didn't request and don't particularly want, the law was such that this could continue and the onus would have been on the consumer, whereas now, if this bill is passed, it will in fact change that dramatically so that consumers who might have accidentally paid for something or find them-

selves entangled in an obligation or appear to be in an obligation to send money for something they don't particularly want, never wanted in the first place and didn't even know they were signing up for, will be protected through this legislation.

1540

Again, not only from a consumer's perspective will we see wonderful results but also from a business perspective, because every time a company—a shady company, quite frankly—undertakes some sort of activity that puts consumers in a jam, treats them fraudulently, essentially steals their money in some way, shape or form, that casts a pall on other businesses and creates suspicion in the minds of people that people involved in business might all be shady, or that they have to be extra cautious. We should all be cautious. There's a famous Latin phrase, "Caveat emptor." One should always be very cautious every time they are undertaking an activity. But I think there is a very great role for government in ensuring that the laws are fair, that people are protected, and that if something does go amiss, there is a form of redress. I think in this very comprehensive piece of legislation the minister has worked hard to do that.

I am not going to go into any more details on this particular bill. As I said, it is very comprehensive, addressing the key areas that people have expressed concerns on over the years. I know that when we are coming forward in my Ministry of Community, Family and Children's Services to bring forward a change in policy or legislation, we look back through letters and correspondence and talk to stakeholders' groups to make sure we are remembering and have a listing of all the things people have said: "When you get around to changing this, add this to the list." "This is a problem. This needs to be revised." "This is out of date." "This is working very well, but it now needs a slight addition to it." That is how good legislation is built.

I look forward to hearing debate from my colleagues here in the House on this matter. I know the minister will be very pleased if the opposition, hoping to support consumers who are looking for protection, will see fit to support the Conservative government in bringing forward amended and improved consumer protection legislation.

The Deputy Speaker: Comments and questions?

Mr Dominic Agostino (Hamilton East): Just to respond to the minister's comments, first of all, it's probably one of the few times I'll say a couple of nice things about this government. Certainly there is a lot of good legislation here and there's a lot of stuff that is long overdue in regard to consumer protection.

What I would have loved to see, though, is for this to be expanded. There are areas that are not in the bill that are of concern to us.

There's no consumer protection from gasoline prices. There was a task force three years ago that made a number of recommendations, and none of those have been implemented. Anybody who looks at the gouging that's occurring at the pumps today, the price fixing,

would agree that there should be, in this consumer protection legislation, something dealing with that.

There is absolutely nothing in here that deals with hydro companies. We in this House have seen the horrors of the rip-off artists and the scam artists and the rip-offs that are occurring as people are selling hydro contracts. There's nothing in this bill that protects those consumers. There's nothing that protects them from shoddy billing practices, again in regard to hydro. People have been duped into signing contracts. There are a lot of operators out there who are running scams, and there's nothing in this bill that protects us from that. The same would apply to the Ontario Energy Board and Union Gas, with decisions that are made to charge customers \$120, and now your constituents and mine are concerned about those decisions.

As much as this legislation covers those areas that are important and need to be updated, I would hope the government will look to amend this legislation through committee to cover those areas that we talked about: gasoline prices, hydro rates, billing practices, Union Gas and the Ontario Energy Board. Mr Speaker, if you talk to most Ontarians, as I know you do to your constituents, the number one issue they are dealing with in most cases today is hydro. This legislation does absolutely nothing to protect consumers from what is happening with the rip-offs with hydro.

So a lot of good stuff, and lots more needs to be added.

Mr Kormos: I regret that the minister won't be able to respond to the praise contained in the comments and questions put to her speech.

I do note, however, and this is remarkable—I commend the minister who is the sponsor of this bill for being with this bill. It happens so rarely any more. It used to be a tradition here that either the minister or the parliamentary assistant escorted the bill, if you will, through its debate process. It has become the exception now, and we're noting it in its exception today. But my goodness, there are one, two, three, four, five cabinet ministers here and three government backbenchers. It's either an indication of the high regard the sponsor's fellow cabinet ministers have for the bill—and one of them is even part of the inner circle—

Mr Agostino: Which one?

Mr Kormos: She speaks for herself by her presence.

But I suspect it's more likely the difficulty in getting backbenchers to do House duty on Thursday afternoon. Their response is, as I can well imagine, "Oh, stuff it. You want House duty? You're making the big bucks. Do it yourself." We're seeing that happen, in fact. I regret that cabinet ministers, who are all incredibly busy and have schedules of their own that are incredibly demanding, are in here doing but House duty. On behalf of the government whip, I prevail upon the government backbenchers to please give their cabinet ministers a break. These cabinet ministers, while they make a few more bucks than you, work a heck of a lot harder than you backbenchers. They know it. They tell me every oppor-

tunity they can about how much harder they, as cabinet ministers, work than you backbenchers. But it's your job as backbenchers to support your ministers and do House duty, to give them the time they need to attend to their duties. Don't be calling upon cabinet ministers to do House duty. They've got far more important things to do. As I say, they'll tell you that if you give them the chance.

Hon Frank Klees (Minister of Tourism and Recreation): I just want to take this opportunity to compliment my colleague for bringing forward this important legislation.

The member from Niagara Centre mused about why cabinet ministers would be here in force to support our colleague. It really is for two reasons. One is that we have very high regard for the minister and for the work he has done. We know how much consultation took place over an extended period of time with stakeholders to ensure that this legislation would protect consumers, which is ultimately a responsibility of his ministry, and at the same time keep in place a level and a fair playing field for industry.

I was very much involved in a number of those consultations. I want to compliment the minister on making changes to this legislation that on first rollout would have in fact caused some concern to a number of industries that were affected by it. It's to the minister's credit, to the credit of his staff and in fact of all the members of the House who got engaged in this process.

At the end of the day, what is important is that when this legislation is passed, we trust with the support of the opposition, Ontario will be a much safer place in which to do business, and frankly it will be much more profitable for businesses who engage in these fair practices. I believe it will be one of the things my colleague the Minister of Consumer and Business Services will look back on in his career and take great pride in.

Mr Monte Kwinter (York Centre): I am pleased to add some comments. As a former Minister of Consumer and Commercial Relations, I have a great affinity to this act, and I commend the government for it.

I have a few concerns, but I just want to share with you a situation I had, and it had to do with an unsolicited credit card. I received one, and in it was a bill for, I think, \$175. I called the credit card company and said, "I don't want this card, and I'm certainly not paying this fee for it." They said, "No problem. We'll reverse it." I said, "Fine." Next month I got another bill, and it had 23 cents' interest for the amount of time the \$175 was not paid. I called them back and said, "Why would I possibly pay the interest when I did not ask for the card?" "Oh, don't worry about that. We'll reverse that. No problem." The next month I got another bill, and it said, "Your credit is going to be seriously impaired unless you pay this 23 cents." I called back and said, "You know, this is getting ridiculous. I've already talked to you for three months." They said, "Well, don't worry. We'll change it." The next month the interest had gone to 27 cents. I called them back and said, "You know, this is really, really bad." So the last thing I did was speak to a repre-

sentative, and they said, "I can assure you this will be reversed, but it may take a couple of months." The next day I got a letter from their credit collection department telling me that unless I paid this amount, I was going to be in serious trouble. When I finally called someone else, they said, "We have to apologize because this is all done on computer. There are no people involved and this is the standard procedure." It would seem to me it would be a good idea if somewhere along the line there could be some provisions that we actually deal with real people and not computers, so that things like this don't happen.

1550

The Deputy Speaker: Further debate? I'm looking in rotation clockwise, and we're going from the government side to my left and to the official opposition.

Mr Mike Colle (Eglinton-Lawrence): I'm here today to speak to Bill 180. Going through this bill in the last couple of days, I want to say there has been a lot of work done on it. There's been a lot of research. It is quite a complex piece of legislation, with all kinds of amendments to existing legislation, to existing bodies, everything from real estate to time-share purchases to the Loan Brokers Act.

I think it is an important piece of legislation that deserves a lot of scrutiny. I'm glad we have an opportunity to raise some issues in regard to Bill 180. Maybe the government will be able to make a better bill by our comments. Maybe the public and the stakeholders who are going to be affected by this bill will be able to have some time. Hopefully there will be some hearings where people will be able to make comments and perhaps recommend amendments.

As I've said, these are sophisticated regulations that are being put forward. There are changes that will affect people's livelihood, not to mention the economic well-being of a lot of our citizens in Ontario. The bill is Bill 180. I hope a lot of people get an opportunity to have input in it and that the stakeholders will not be afraid to come forward and make suggestions. That will make for a better bill, and I think that's what we're here for.

Some of the areas it covers are areas of very chronic, constant consumer complaints. I will start with this whole area of time-sharing. This is quite a unique area of real estate, whereby people, in essence, don't buy a piece of land or don't buy the condo; they buy part of a structure for their own personal use for a certain number of days a year.

As you know, traditionally these have been rocked with problems. There are so many other conditions in terms of when they can use it, who pays for cleanup, who pays to use it at prime times and so forth. I'm glad that at least there is in this bill a 10-day cooling off period. The one thing I guess it doesn't cover is the poor visitors. If you go off-shore, whether it's Florida or whatever, you get accosted by people trying to sell you these time-share provisions. They ask you out to lunch and so forth.

I'm not quite sure if that is going to be protected, as a lot of these companies are not based in Ontario. I guess it's based on the type of real estate transaction that is

happening in places like Collingwood, some of the new recreational areas where people are not buying a recreation property for all of the year, but for half the year or for the one season they prefer.

I am happy to see the 10-day cooling off period, because sometimes these can be much more complicated than they appear to be for the ordinary person who is signing such a contract for the first time.

There are some provisions in terms of Internet transactions. That is an area we are just entering into. There are so many things sold on the Internet, whether it be through Amazon.ca or Indigo or eBay and so forth, and there are so many complications there that I would hope this bill will at least monitor this growing area and perhaps report back on ways we can protect consumers as they do more and more purchases of goods and services on the Internet. It is wrought with pitfalls for the ordinary consumer who is doing this for the first time.

I've talked to people who speak very highly of eBay, for instance. I've never used it but there are people who have used it. They've had the goods delivered, the price is as is, the product is as is, and there are some guarantees offered to people. But I hope the provisions in this act will continue to monitor Internet purchases, which are becoming more and more commonplace, and the security of using your credit card to acquire goods and services on-line. That is becoming more and more acceptable to people as time goes on.

One other area I'd like to talk to you about is leasing. The largest area for leasing commercially that concerns people's biggest investment is automobile leasing. That is one area that is still fraught with all kinds of complications, and that is because one of the things that occurs with automobile leasing, which I remember asking Minister Tsubouchi at the time to try to do something about, is the fine-print ads. You've all seen them. They're in the daily newspapers, where they say it's \$299 for a Ford Edsel. For \$299 a month you can have the Ford Edsel. But when you read the fine print you realize that the \$299 doesn't include the taxes; it doesn't include the inspection and delivery charges; it doesn't include a big fat down payment of \$5,000; it doesn't include the fact that the \$299 is for your standard automobile, without automatic transmission; it doesn't include the fact that the automobile just has vinyl or cloth seats or whatever it is.

That is still too common in the print media, for sure, day after day. I really think those ads are misleading. They don't give the true story or the true price of that automobile. They tend to give people a false impression of what the costs are. What is wrong with putting the full cost of that automobile up front, as big as the \$299?

That continues to happen. I don't see that type of restriction about the false advertising that this bill deals with, about leasing especially, that this bill is supposed to try and correct. It does not prohibit that small-print advertising, which obviously works, because on a daily basis in the major newspapers in Ontario the automobile

dealers or manufacturers must spend literally millions of dollars a day advertising in that fashion.

It's still going on and I don't think there is anything in Bill 180—maybe the minister, when he speaks to it, could correct that if I'm wrong. That's one thing I would like to get an explanation of. It's something I remember talking to Minister Tsubouchi about it at the time, and he said they were going to try to do something about it, but it's still very prevalent so I would hope there would be some way of doing that in the regulations or whatever it is, just to put the full price of that car more up front and have the explanations.

I think people are mature enough and smart enough to understand that cars generally are still a pretty good bargain in Canada. They're a good deal. Most manufacturers and car dealers have become more reputable over the years. So let's be more forthright with our advertising with the leasing or purchase of automobiles. So that's one of my pet peeves when it comes to advertising for automobiles, that is, next to your home, the largest purchase most of us will make in our lives.

1600

Also, there are requirements for the registrar to take direct action if there is false advertising. If we reflect back—I was trying to think of the last time I recall the provincial registrar, whoever's in charge of false advertising, ever fining someone or putting someone to task for false advertising. It's a pretty rare occurrence. Either the advertisers are very above-board people who never engage in false advertising or we're not sufficiently involved in supervising and monitoring the advertising that goes on in the province.

I would hope that with the strengthening that is supposed to go on in Bill 180, we'll finally see some examples of where false advertisers are taken to task and fined for false advertising, because that in essence is the consumer's link with the purchase of products: the advertising. We rely so much on television advertising, print advertising and radio advertising; that is our link with the quality that we attach to a good or service. It is so important for consumers to have that faith and trust in advertising. Generally speaking, people in North America find it part of everyday life to respond to advertising. I guess we're conditioned that way. We can't basically move without advertising, whether it's billboard advertising or whether it's media, radio—it's constant.

So I would be looking forward in the near future, if this bill is passed and goes through royal assent, to starting to see some cases of false advertising brought forward by this legislation. I'll be looking for that, because again, in recent years I've seen very few cases of false advertising, which you would think would be in the paper to warn people that they should not believe everything they read.

The other thing that is very important is in regard to motor vehicles. There's another area where traditionally there have been a lot of problems in terms of people getting their automobile repaired and then, for what they pay for the parts or the service, do they have any way of

knowing they were given a good deal or weren't given a good deal? As you know, sometimes for a brake job now you can pay over \$1,000. We're not talking about the old days when you could get your brake drums and so forth, everything, done for \$200 to \$300. Now you're talking about a major outlay of money for someone who has his or her brakes done or has body repairs done. It's very expensive. I think it's very important that there be protection for consumers in terms of the money they spend for parts and for labour in regard to motor vehicle repairs.

Here there's supposed to be a minimum of 90 days, sort of a warranty, or 5,000 kilometres for a repair. I know that's not very much. It wouldn't take long, because in many cases we've seen where people essentially get a part or a repair job that will just last that long. Especially at this time of year, as you know, Mr Speaker, there are so many people who are, for instance, sold batteries they don't need. They're given tune-ups and the automobile doesn't even require a tune-up.

So I think it's important that the government be a protector of people who aren't experts in mechanics and aren't experts in electronics, which you have to be in automobiles now. I think that's one area where we want to see some government supervision of this field, because it's extremely expensive. You know, we're spending \$1,000, \$1,200, \$2,000 for major car repairs, and as I said, repairs to the body of a car can run up to \$2,000, \$3,000, \$4,000 or \$5,000. So it's critically important that there be some protections there.

In the whole area of real estate and the brokers and the professionalism of brokers, I think that's also improved over the years, but it doesn't mean there can't be protections there for people who invest their life savings in buying a home or a condominium or investing in one of these. I would like to see more stringent requirements ensuring that trust accounts, in this case here, are certainly not abused, as they have been in some cases. There have been a couple of celebrated cases of people acting as lawyers who have misused money in trust accounts. This act is trying to do that. I hope it's stringent enough to ensure this protection takes place.

There are a number of other areas. I notice that the minister is here. I would just ask him if maybe in some amendments or in some future bill, because it seems they're, generally speaking, not interested in our amendments, but we have to at least propose them—I mentioned the fine-print advertising, which I think should be prohibited, but I'm not sure what the minister's response is to that.

Also, the whole area of consumer protection for the purchase of gasoline fuel for your car is another area that consumers over the last number of years have been very, very apprehensive about. In essence, if you ask most consumers of gasoline for their automobiles, they think there is price fixing and price gouging. They constantly ask me why there is no competition out there, why all the prices go up the same and all go up in unison, with very little variation between the retailers of gasoline products in the city.

As you know, we used to have that phenomenon every Friday of a long weekend: all the prices would go up four or five cents, and then when the long weekend was over the price would go down. Now they've gotten a little shrewder there. What they do now is that a lot of them sort of put the price up on the Sunday you come back rather than putting it up on the Friday, because they were getting caught in the act. At that time, a couple of years ago, I tried to get the government to pass the gasoline price watchdog bill, where we would get someone in government who would at least be able to look at the books of the gasoline/petroleum retailers and wholesalers just to see that they weren't fixing their prices and that they weren't gouging motorists and that the increase in price was caused by something that happened in Saudi Arabia or something that happened in the Gulf war. They would use any excuse to raise the price of gas. Saddam Hussein would say something and, boom, the price went up 10 cents. Ralph Klein would say something in Alberta—another 10 cents.

The public, to this day, is very cynical and skeptical about gasoline prices. It's not so much even the cost. They're not saying that the 72 cents or 73 cents per litre, and if you're buying premium it's up to 80 cents or so, is what they're complaining against; they're saying it's just the manipulation of the consumer by the three or four members of the oligopoly that controls all our petroleum and fuel products in Canada. They felt, and they still feel, used, manipulated by the oil giants.

I don't see anything in Bill 180 that gives any protection to consumers to ensure that there isn't price fixing, that there isn't this manipulation of prices, and also things like notification of price increases that are coming. We've always got to think, "Well, it's all in the system and they had to do it instantly." But this is fuel that they probably had in their reservoirs here for months.

Anyway, there's nothing in this bill that protects people from gouging at the pump, and that was something that was promised. I remember we raised such awareness about this issue, we even forced the government to appoint some task force they had running around. They made these recommendations and nothing's ever happened; they're not in this bill at all. Even the government's own weak recommendations are not. But it would be nice to have a person appointed by the Minister of Consumer and Business Relations whose job it was to be the watchdog for gasoline pricing, because I don't think there's anybody who feels that everything is basically above-board when it comes to gasoline pricing in this province. So there is one suggestion we have, that there should be some more protections.

1610

I know the member from Essex, Bruce Crozier, has also recommended some legislation in this area whereby there would be more protection for people who were purchasing gasoline for their automobile.

The other area I'd like to go into is protection from the systemic, almost door-to-door abuse that takes place, has been taking place in this province with the gasoline

marketers and now the hydroelectricity marketers. I think it's been one of the most shameful examples of government not doing its job. There have been cases I'm sure in all our constituencies, on both sides of the House, where these people have given door-to-door salespeople a bad name.

The Deputy Speaker: The member's time has expired.

Mr Colle: I'm sorry I couldn't get further into that but I appreciate the opportunity.

The Deputy Speaker: Comments and questions?

Mr Kormos: In a few minutes Ms Churley from Broadview-Greenwood is going to be—

Ms Churley: Toronto-Danforth, it's called now.

Mr Kormos: Ms Churley used to represent Broadview-Greenwood and now it's called Toronto-Danforth. It wasn't her choice to change the historic name of that great part of Toronto. Some Ottawa serving Liberal who clearly was out of touch with his own folks imposed that on them without consultation with those people, and Ms Churley simply rolls with it now.

Look, we're going to have a chance. It's going to be around 5:15 that I'm going to be able to start my one-hour leadoff on this, and I very much want to talk about fraud, about scams, about rip-offs, about deceit, about dishonesty. I want to talk about attacks on hard-working folks like the folks from Niagara Centre. I want to talk about betrayal; I want to talk about abuse of consumers and voters and taxpayers and citizens and all sorts of residents. I want to talk about an abandonment of the kinds of folks who live down where I come from and who I'm sure live in every other part of this province and how they're suffering as a result of it and the complete failure of this government and this bill, or quite frankly any other, to protect those same folks, be they senior citizens lining up on long waiting lists for long-term care, be they folks in our hospitals with growing deficits, be they kids who are being denied some of the most modest and basic educational resources and tools, be they young families who are burdened with higher and higher user fees and municipal and regional property taxes because of the downloading.

We're going to talk about fraud. Oh yes, just wait till about 5:15; we're going to talk about lots of it. In the interim, Ms Churley will have a chance to put her two minutes' worth in as well.

Mr AL McDonald (Nipissing): I listened closely when the member from Eglinton-Lawrence spoke and I am pleased to join in the debate on Bill 180. Our Minister Hudak, the hard-working member from Erie-Lincoln, worked very hard on this bill and I know it is of great interest to the people of Ontario.

I think of my great riding of Nipissing and I think of an individual, a hard-working individual. He owns his own business; he owns a backhoe. I was speaking to him today, Minister, and I was saying that I was speaking on this bill and that it was a bill to protect consumers. Here's an individual who works night and day just trying to get things across. His name is Bob Poeta, and I told him

about this piece of legislation. He didn't fully understand what we were trying to do but he did appreciate that the government was taking an effort to protect him in his dealings when he really doesn't have the expertise. He has to depend on other organizations or individuals to help him through buying a house or buying a car. I was explaining what this legislation did, that it put in guidelines that help protect him when he goes forth to complete a transaction that, really, he doesn't fully understand. I can tell you that he really appreciated your efforts, Minister Hudak, to put this bill before the Legislature to at least give him peace of mind that when he's working all day and all night and he has to depend on other individuals, there's some protection for him, that his hard-earned money isn't just going to disappear on him.

Minister Hudak, I want to congratulate you on an excellent piece of legislation and I'm proud to support it.

Mr Agostino: I want to commend my colleague from Eglinton-Lawrence for those remarks. I know that Mr Colle has been an advocate of consumers' rights throughout his whole career here in the Legislature and certainly in the past has introduced a number of bills along those lines. I sure respect his expertise in this area.

He touched upon a couple of very important points that I touched upon earlier about what is missing in this legislation. Again, he talked about gasoline prices and the protection there. Most Ontarians see it; it happens on long weekends: the next thing you know it's six, eight, 10 cents more, and by coincidence every single gas station across the province just happens to be increasing its prices the same way. It must be some magic spike that they run into in prices simply before the long weekend and then it goes down—instead of the 10 cents it went up, maybe it goes down four cents, so we all feel better about it and think, "Oh my God, it's not as bad as it was a week ago." But it's still six cents more than it was the previous week.

This legislation gives absolutely no protection. If you're really serious, if you want to be a hero, Minister—there's some good stuff in here, but if the minister really wants to be a hero to all Ontarians, I would suggest he bring in some very tough legislation on controlling gasoline prices. I think anyone can relate to that. Anyone who drives a car understands what they go through, understands the rip-offs, the monopoly, that gasoline companies come together and collectively decide that they're going to rip off Ontarians and Canadians every weekday and weekend, literally every day you're driving a car.

Prices are basically skyrocketing, and I would think it would be welcomed by all Ontarians if this government brought in legislation that would protect consumers from one of the biggest rip-off and scam artists in the world, the oil companies and gasoline companies across this province and this country.

The Deputy Speaker: Comments and questions? The Chair recognizes the member for Toronto-Danforth.

Ms Churley: Toronto-Danforth, not Broadview-Greenwood. I haven't changed my sign yet.

As the former Minister of Consumer and Commercial Relations, as it was then called, I have to say I'm quite surprised to see the lack of real consultation that took place with some very knowledgeable people in the province. When I was at that ministry and we were doing some consumer updates, we consulted quite widely with experts across the province. There's one professor from U of T we dealt with because he is one of the best experts not only in Toronto and Ontario but in the country. His name is Jacob Ziegel. I remember talking to him on numerous occasions about changes and updates we were making.

He has written you a letter; you may be aware of this. He said that a colleague at Osgoode Hall Law School drew his attention to the bill—he hadn't even been informed about it—that his colleague had downloaded it from a Web site. He says, "Although I have taught, written on and generally involved myself in both federal and provincial consumer matters for many years, this is the first time I've heard of the bill." He goes on to say, "This troubles me"—and that of course he would like to have some input in this. I hope the minister will listen to this.

We're calling for hearings, but he's urging the minister to convene a round-table meeting of Ontario consumer law teachers for this purpose and to be able to provide some comments to the minister. Sometimes, as I learned, changing consumer laws can have serious legal implications as well. I remember Professor Ziegel was a very valuable asset, and I would recommend to the minister that he indeed hold that kind of round table before we pass this bill.

The Deputy Speaker: The member for Eglinton-Lawrence has two minutes to respond.

1620

Mr Colle: I want to thank everybody on this Thursday afternoon for taking the time to comment—and listen, hopefully.

The most amazing thing I guess in listening to everyone is the juxtaposition of this consumer bill with the unprecedented consumer almost revolt we see across Ontario. I don't think in all my years have I seen so many angry, anxious, upset people of all political parties who are just at their wits' end, trying to figure out who is protecting them when it comes to hydro and their utilities.

I'm sure it's the same in your offices all across Ontario: the phones are ringing off the hook. People are walking in off the street with their bills. It is non-stop. I just think of the government now that is proceeding with this bill, yet for the last year it has essentially allowed this to happen and taken all the wrong steps and no protective steps for consumers when it comes to hydro. It is probably the most botched consumer issue I've ever seen. I think if you ask people like the member from Renfrew, he'll tell you he's never seen a consumer issue that has affected so many Ontarians and so many

Ontarians who feel so vulnerable, and the government is not protecting them.

So that's the question I have for this government: how can you, day after day, listen to these true-life horror stories about ordinary Ontarians who are trying to make a living and being assaulted by this total disaster called hydro? I don't know how the government can live with itself day after day with this going on.

The Deputy Speaker: Further debate? Looking to my right, the Chair recognizes the member for Nipissing.

Mr McDonald: I'm pleased to join in the debate and speak in support of Bill 180, the proposed Consumer Protection Statute Law Amendment Act, 2002.

Bill 180 was introduced by the Minister of Consumer and Business Services on September 26, and we look forward to its speedy passage.

This proposed legislation combines six pieces of consumer protection legislation and three sector-specific statutes into one modern legislative framework.

The three sector statutes are the Motor Vehicle Dealers Act, the Real Estate and Business Brokers Act and the Travel Industry Act.

These sectors are regulated by the Minister and the Ministry of Consumer and Business Services because they represent some of the most significant purchases most people ever make, which include homes, vehicles and travel.

Bill 180 proposes to update and modernize the legislation regarding each of these sectors.

I would like to spend some time this afternoon speaking about the proposed Real Estate and Business Brokers Act, 2002.

Real estate is an enormous investment for any consumer. The real estate industry is thriving. It is vital that this proposed legislation come into force, as more and more resale homes are bought and sold in Ontario.

Real estate is booming in Ontario. The Toronto Real Estate Board reported the most sales ever in the month of September. In the Toronto area alone, 5,846 homes were sold through the Multiple Listing Service in just one month, and that's up 16% from last year.

I know that I made a call to the North Bay Real Estate Board, and they had told me the numbers are similar, that they were up substantially. Last September they sold 906 homes, versus 841 the year before. The capable individual, Evelyn Reid, who brought me all these statistics confirmed that even in northern Ontario, and specifically in North Bay, real estate is booming as well.

It was a very different situation back in 1995 when our government took office. The situation was grim. Housing starts were down, prices were down and people were waiting longer and longer before buying. Today we're enjoying the most sustained boom in the housing industry that has ever been seen. This turnaround happened because our government cut taxes some 200 times, leaving more money in the pockets of hard-working Ontarians that they could put toward big purchases like real estate and buying their own homes. We created over 900,000

jobs, giving more Ontarians a paycheque and a chance at owning their own home.

All the signs show that the real estate industry will continue to thrive. Projections tell us that by 2022 the population of the GTA alone will increase from 5.3 million to seven million people. That's an incredible growth. We also know that Ontario's population is getting older. In this quarter-century, it is estimated the number of people aged 65 and over will double from one million in 2000 to two million in 2026. Taken together, these facts tell us that a lot of existing homes are going to be bought and sold as consumers' needs and wants change over time.

Part of the reason for pursuing this proposed legislation is that our government wants to ensure the high standards of the real estate industry so that Ontario consumers will continue to live in homes they enjoy and the neighbourhoods where they feel comfortable and safe. Modernizing Ontario's real estate legislation to meet the needs of the people of Ontario is part of the government's plan for ongoing development of this vital industry and the continuation of the tradition of excellence in providing protection for Ontario consumers.

I know in my riding there is a young couple by the name of Scott and Cheryl Clark. They have two small children. Their names are Benjamin and Makayla. I know that they struggle, like the rest of us, to pay mortgages and credit card bills and to put gas in their vehicles. They understand, like most young families in Ontario, that this legislation will help protect them in the long run as they continue with the worthwhile goals of raising their young family, putting them through school and making sure they get to hockey or ballet or whatever they might want to put them in. This young couple—I'm thinking of Scott and Cheryl—who really are community leaders and volunteer a lot of their time in the community, need this type of legislation so that they can continue on their daily lives and not have to worry that somebody is ripping them off. I think it is key to this legislation—Bill 180 that we're speaking to tonight—that it pass through the House with all members of this Legislature agreeing that this legislation helps protect the average hard-working individual, whether they live in northern or southern Ontario. This helps all the people of Ontario.

In the development of this bill, the government has worked with consumers and entrepreneurs in real estate to help us develop this legislation. We've talked to entrepreneurs, individuals and hard-working families. Minister Hudak has shown his leadership in this ministry. He's shown that he understands how hard-working families need to be protected in all these different sectors, but specifically in the real estate sector. Even the real estate entrepreneurs say that there are needed legislative guidelines that they may follow, because they're very proud of what they do and they're very proud that they help hard-working young families buy their first house or move into a bigger house as their family grows. I think it's key that we all recognize that this piece of legislation will help all these families go on about their normal lives

and not have to worry that something untoward is going to happen.

Consideration of the new real estate and broker legislation began about the same time as the day-to-day responsibility for administering the act was delegated to a private, non-profit corporation established for the purpose called the Real Estate Council of Ontario, or RECO, in 1997.

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RECO was created to protect consumers and to administer the regulatory requirements of the real estate sales industry as established by the government. Under a 12-member board of governors, RECO delivers services in four key areas: registration of real estate sales persons and brokers; consumer protection, including the establishment of mechanisms to protect the consumer from financial harm; compliance, including the inspection, investigation and enforcement of the legislation; and professional standards, including the development and promotion of professional development, accomplished through mandatory continuing education programs.

In terms of consumer protection, a report commissioned by the Ministry of Consumer and Business Services to evaluate the success of RECO said, "The implementation of more stringent registration requirements illustrates RECO's dedication to maintaining high standards in enhancing consumer protection."

Throughout the development of the proposed new Real Estate and Business Brokers Act, RECO has offered ongoing expert recommendations and advice for which the government is appreciative.

How was the proposed legislation developed, you might ask? In the autumn of 2000 the ministry held a series of consultations to seek the opinions of consumers and businesses on our proposals for this legislation. More than 400 submissions offering insightful and constructive comments were received. Then the ministry sent out consultation draft legislation last summer. Once again, helpful comments and suggestions from real estate and business brokers and other professionals, as well as consumers and consumer organizations, helped to improve and finalize the real estate portion of Ontario's proposed consumer protection legislation, Bill 180.

The bill before this House today reflects considerable input. It would strengthen consumer protection in a new century, encourage the development of a level playing field for businesses and create the flexibility to respond quickly to changes in the real estate sales market.

Advertising: this proposed legislation would help provide increased protection for consumers through a number of features, including the introduction of new stringent advertising provisions. If the registrar believes, on reasonable grounds, that a real estate professional is making a false, misleading or deceptive statement in advertising, the registrar could not only order the use of the material to be stopped, but could also order the statement to be retracted and/or for a correction of equal prominence to the original to be made.

The correction could be placed in the newspaper or other publication, including, by the way, the new and popular virtual home tours offered on the Internet.

When we speak about specialists, another benefit to the consumers in Bill 180 is that, if passed, it would allow for the recognition of specialists to let consumers know more about the qualifications of their real estate professional. This would be made possible through a proposed new provision that would allow areas of specialization to be recognized. Under this proposed new REBBA, the salesperson or broker would have to be certified as a specialist in a particular area in order to advertise themselves as such.

In fact, you may have heard some discussion in the legal community around this requirement. Many lawyers, including many lawyers I know in my riding of Nipissing, are involved in real estate transactions in the normal course of their practice. I understand that the Ministry of Consumer and Business Services heard from lawyers who were concerned that this bill would mean they would only be allowed to perform these real estate duties if they were a real estate broker or a salesperson. This is absolutely not the case at all. There is a simple clarification in the bill that when a solicitor conducts a real estate transaction, it must be in the course of his or her duties as a lawyer.

You might want to ask what the definition of an "interested person" means. Another important consumer protection advantage of Bill 180 is the introduction of the concept of an "interested person." Although it's not common in the real estate industry, I'm sure all of us have heard of a business gone bad. Sometimes, due to the conduct of a person who makes false statements in their application for registration, who may be financially unstable or whose treatment of consumers is terrible, the registrar of the REBBA has to decide that this person may not participate in an Ontario real estate sales business.

Our proposed new legislation would give the registrar the authority to take into account the influence that such an unregistered person could have upon another family member or a business acquaintance. For example, such an unregistered person could persuade a spouse or a friend to open a business and to become a frontperson—a frontman or frontwoman—so that the person could continue to engage in behaviour behind the scenes.

Our proposed legislation would protect against this. I believe this legislation would make this type of situation impossible. That's one of the reasons I stand up and believe in this legislation so strongly, that it will protect the hard-working men and women of Ontario. These individuals, who may be young families, need protection. I ask every member in this Legislature to support this act that will help protect the hard-working men and women, the young families, of this province.

You might ask about enforcement. I know Minister Hudak was very concerned, that he had to put some teeth into this legislation, and I think we should stop and talk about enforcement for a moment.

Consumer protection in the area of real estate would also be improved through the increase of maximum penalties applied through the courts, in situations where an individual is convicted of an offence, to \$50,000 from the current \$25,000 fine. Minister, that's quite an increase. The terms of imprisonment would increase to a maximum of two years less a day from the current one year maximum. Those are pretty tough penalties.

Practitioners convicted of an offence under the proposed act could also be required to pay court-ordered restitution to consumers. I think that's important, that these young families trying to raise their children and put them through hockey and school and ballet be able to recover should this situation happen. In other cases, the discipline committee and appeals committee established under the proposed new REBBA could require the payment of fines of up to \$25,000.

If the proposed legislation is passed, and I am hoping all members of this Legislature agree, the assets or trust funds of registrants and former registrants might also be frozen, if it were advisable for the protection of the clients.

Among the advantages Bill 180 proposes to offer the typical honest Ontario real estate brokerage are provisions to prevent conflicts of interest, including provisions prohibiting the employment of unregistered persons, provisions against salespersons and brokers acting for brokerages other than the one they work for, and provisions against inducing someone to break an agreement of a purchase or sale for the purpose of entering into another agreement of purchase or sale.

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Also, the proposed new REBBA would address a problem that strikes at confidence in the real estate sales market. It would forbid real estate brokers or salespersons from falsifying or assisting in the falsification of information on mortgage applications or other documents relating to trades. Sometimes consumers are so anxious to own their dream home that they may decide to make their financial positions look rosier than they are in reality. While it may be taken as an act of sympathy, if a broker or salesperson helps a client to falsify an application the result is usually that the consumers may win the purchase but soon lose their new home when they can't make the mortgage payments. This behaviour hurts the reputations of real estate professionals in Ontario and would be expressly prohibited under Bill 180.

Bill 180 helps to achieve our goal of making a good law better for real estate professionals and for the consumers of Ontario. This proposed legislation, like all of the consumer protection initiatives currently undertaken by the Ministry of Consumer and Business Services, is based on three key objectives: fairness for the consumer, responsiveness to the needs of both consumers and businesses, and the creation of a more flexible regulatory framework, capable of providing a level playing field for businesses and adapting to the needs of the future marketplace.

The Deputy Speaker: Comments and questions?

Mr Michael Bryant (St Paul's): There are a couple of things in the two minutes I have that I wanted to speak to in response to this speech. Firstly, there is some effort to address issues of consumers trying to use the courts in order to seek justice that they could not otherwise get. This bill might have considered—it might still consider—the opportunity presented through this Legislature with a private member's bill that I introduced on contingency fees, which permits consumers to turn to counsel, to lawyers, who would operate on a basis on which the legal fees would only have to be paid if there was success. Far too many Ontarians have absolutely no access to our brutally expensive justice system and, as a result of that, they aren't able to turn to it. If, of course, they can pay their legal fees after collecting a damage award, then that is good news for the consumer. I look forward to continuing to press the government to move forward, either through this bill or the Attorney General's own or by supporting and bringing through a private member's bill that I have now had pass second reading, for the sake of consumers who right now simply can't afford to access our justice system.

There's a second thing I would say is too bad it has not been tackled by this government, and that is this mandatory loansharking practice that exists whereby consumers have to pay interest rates on an account in their Toronto Hydro bill, and there are other utilities where that exists as well. Many people, just as negative option billing was very offensive to them, find this incredibly offensive and incredibly problematic. They don't like to get a Visa bill and not be able to pay the whole matter off. I look forward to hearing more about this from the government and solutions that they're going to bring forward for the sake of consumers in Ontario.

Ms Churley: I listened closely, some of the time anyway, to the member for Nipissing. I just found it weird that he had to start his whole speech with going through the litany of what he perceives or what he's told to say about all the sins of the previous government and all the great things they've done when we're talking about this consumer bill today. There are some very important aspects of this bill which we should be discussing, and I will be later, not today, but on another occasion. But he had to get into the whole litany that "The previous government ran up the debt, and there was this problem and that problem," before he got into his discussion about the bill. I listened to him stand there and actually say this with a straight face, that this government, their government, not only paid down the deficit—but he didn't say they borrowed money to give tax cuts to the wealthy and ran up the debt.

Mr Dunlop: Marilyn, get it right.

Ms Churley: I heard him. He said that under their government there's more housing starts than ever before. In a climate where we have more and more homeless people, we have no more affordable housing being built, we've got people's hydro bills going through the roof, we've got gas bills going up, he stands there and has to set the table for his speech about consumer protection by

bragging about his government. In fact, it's collapsing all around you right now. The chickens are coming home to roost.

Mr Bryant: Seven lost years.

Ms Churley: Talk about seven lost years. That's what you're going to be hearing more and more of, because a lot of those cuts, and cuts may I say, to the ministry of what was—I call it still—the Ministry of Consumer and Commercial Relations, which this bill has amended and has made better, won't be worth the paper it's printed on unless you put the resources back in the ministry to enforce it.

Mr Dunlop: I really appreciate listening to the comments from the member for Nipissing, a great friend of mine and someone who is doing an excellent job in the riding of Nipissing.

I have to take exception Ms Churley's comments. "The chickens are coming home to roost." Is that what I just heard her say? Minister Ecker just announced the September job creation for our country: 40,000 new jobs—that's what I gathered; I think I can count that well—and 32,000 of them were created here in the province of Ontario. That sounds to me like something that's fairly successful. That sounds to me like our economic policies are working, especially when I listen to the comments from the finance minister of the federal government and he claims we have a northern tiger here in our country. The jobs are all being created here in the province of Ontario, the economic engine of Canada. Even our own federal finance minister realizes this. To hear her say that the chickens have come home to roost with a poor economy etc is simply false and simply wrong.

We can talk all day about this because we're all going to be making further comments on this particular piece of legislation in a few minutes, but I think the member did an excellent job. I appreciate the brilliant comments he made. It was a great speech and I commend him for that.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): We have a bill that talks about consumer protection. Who could be opposed to that?

I was listening to the byplay about who created how many jobs. I've been around awhile, and the last time I checked Ontario had about 12 million people. By my reckoning of federal and provincial finance departments, we must have 40 million jobs in the province, because every time I turn around somebody's standing up, regardless of party, to say they've created more jobs than there appear to be people in the province and that's a good thing, because apparently finance departments, nobody—no chancellor of the exchequer ever wants to say there are fewer jobs.

I think consumer protection is a really good thing. I want to say two things.

The bill is good, I think, in some respects around the minister and others providing helpful and timely information to consumers. I hate to be like a broken record, but I'm going to tell you—and we did it. We, on the retailing of electricity contracts, allowed a bunch of bad

actors to run around Listowel, Pembroke, Etobicoke and Port Colborne and misrepresent themselves, misrepresent government companies and rip off particularly old people. We did it. We did it at two levels: our company did it, and we, with knowledge aforesight, allowed it to happen when we were warned not to do it. Now, of course, we are going to pay a price.

The second thing I want to say is how government in other ways has a conflict of interest. I shouldn't confess this. You know, I get the occasional speeding ticket. It's too bad my friend the Attorney General is not here. You know what enrages me? To get a victim assistance charge on a speeding ticket. Boy, as a consumer it's nice to see my provincial government rip me off one day and stand up in the nearest pulpit the next day and say, "We, your government, are here to protect you against bad consumer practice."

The Deputy Speaker: The member for Nipissing has two minutes to respond.

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Mr McDonald: I'd like to thank the members from St Paul's, Toronto-Danforth, Simcoe North and Renfrew-Nipissing-Pembroke for their comments. I must say the people of the riding of Simcoe North are very well represented by a hard-working member. They're extremely lucky they have Mr Dunlop representing them. I can tell you how hard he works down here at Queen's Park, but you probably know that.

My partner Wendy Abdallah drove all the way from North Bay. She was very excited to hear about this legislation. Minister Hudak, she was excited because she has sisters and brothers who see this legislation as a way of protecting their young families and she was very appreciative of the fact that you've worked so hard to bring this great legislation forward. I can tell you she was a bit shocked that the members, or a couple of them over there anyway, because that's all who are here, are not supporting this. She finds it hard to believe, and I find it hard to believe, that they're not wanting to protect the hard-working young families in Ontario when they purchase probably the biggest investment they make as a family: their first home. These individuals who are not supporting this: shame on you. These individuals work hard. They're trying to put their kids through school. They're taking them to hockey, ballet, through school, and you know what? They're not supporting this.

Minister Hudak, you know there's an old saying that just because people say, "You can't do it, you can't do it"—I am glad that you're showing leadership. You're showing that you're protecting the hard-working men and women, the young families of Ontario and I'm very proud of you.

The Deputy Speaker: Further debate?

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to continue the debate. I'll start by saying that one of the things that we in the Legislature have to do a lot more work on is finding ways that government can keep up with the speed of business. My background is business, as is that of many of the other legislators here.

I've always felt that governments of all political stripes have not seized the initiative in finding ways that we change legislation at the pace that business changes.

I have been one who has supported omnibus legislation here of this nature, omnibus legislation which is designed to help us change legislation quickly on matters that are frankly non-controversial but require quick change. I've always supported legislation that will allow us to adapt and change our laws as quickly as possible, so I would encourage the government to find ways so that we respond much more quickly to changing technology and changing business practices. All of us met two days ago with the chiefs of police from across the province, who were urging us—they had three or four messages for us. One, by the way, was urging the government to get on with the integrated information system in the justice system.

They were also urging us to change legislation quickly to allow them to more quickly adapt and use technology. I think I've said this before in the legislature. I was one who had difficulties with photo radar when it was first introduced. But if we accept that our police organizations do not have the resources to do some of the jobs that historically they might have done because they are very much dealing with major crime, with serious crime issues, we do need to adopt technology. What we here in the Legislature need to do is make sure that our laws change at the right pace. So I'm one who supports government bringing in legislation that allows us to change our laws as quickly as possible. I make the one proviso that if there are provisions in a bill that truly do require substantive debate, those things should not be part of an omnibus piece of legislation.

I will say two or three things: one is that while this talks about consumer protection it does not provide, in my opinion, protection in some areas that the people I represent have been extremely angry about.

I want to start with one of them: the 407. The government said, when the 407 was sold, that they had a provision that would ensure that tolls could not be raised beyond, I think they said, the rate of inflation over 15 years. What they said was that after 15 years tolls might go up three cents a kilometre. That's essentially what the contract with the public was, and I think the public took the government at face value and accepted that as what was going to happen.

We now find that it appears that something different happened, and the owners of the 407 are now saying, "No, no. When we bought this, the deal was that we could take the tolls up without limit." As a matter of fact, the 407 owners invested initially about \$700 million of equity investment. That's now worth four times that. SNC-Lavalin, one of the major owners, invested \$175 million; it now is worth \$700 million. After three years, actually, it went up that much.

The reason I'm raising it here for consumer protection is that on the one hand the people of Ontario were told by their government, "Here's the deal. We've got controls on this road that will ensure that tolls cannot go up more

than three cents a kilometre after 15 years.” Well, in many cases within three years—in one case the tolls have gone from four cents a kilometre to 11.5 cents a kilometre. The reason I raise that is, where’s the protection for the public in perhaps the area that I think they have the most right to expect protection, and that is protection from their own government? Again, the reason I raise it is that this bill doesn’t deal with it.

It’s particularly germane because today we found out that it is the plan of the Eves government to sell a very major part of something called Hydro One, using the same process we saw in the 407. So here we find now that the people of Ontario are faced with hydro bills that all of us are getting calls about—dozens, if not hundreds, of calls about rapidly rising hydro bills. Yet the government is proceeding behind the scenes to sell off a major part of Hydro One, which is the company that runs the wires that get the power from the generating plants to the local utilities or directly to your home, sell it off, using exactly the same process as the 407.

I would just say to the public, here was the process: the request for proposals on the 407 was private; the people who were bidding on it helped to write the request for proposals, and we in the Liberal caucus have been spending the last three years trying to get made public something called the “tolling agreement,” which is the agreement that sets the rates for tolls. We’ve been denied that. Why? Because the government signed a deal with the owner that allowed them to keep it private.

Where does that lead us on consumer protection? The average user of the 407 right now is paying \$2,500 a year in tolls. That’s an amazing statistic when you realize that if you happen to be unfortunate enough to have bought your home somewhere along the 407 and need to use it to go to work, you’re paying \$2,500 a year—for most working people that’s after-tax dollars—and somebody who happened to buy a home along the 403, the 410, the 401 is paying zero. There was no consumer protection in that deal the government signed that would allow for some oversight of the tolls.

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That’s why the companies that own the 407 are thrilled with it. The 407 is regarded as the most lucrative toll road in the entire world. It’s the only privately owned toll road in the world where there are no controls on tolls. The lease is a 99-year lease—most leases on private toll roads are 30 to 40 years—and that’s why the toll road owners are so thrilled with it.

Again, I go back: this bill does not provide for what may be regarded as the most fundamental rights of the consumers, and that is that when their government sells one of their assets to the private sector, they have a right to understand the terms and conditions under which that’s sold and what it’s going to mean to them. I say to us here in the Legislature that the Minister of Finance today said, “Yes, we are going to use the 407 process because we’re very proud of it.” That process allows the government to do all the negotiation in private. In the end, if they use the 407 model, they will sign a confi-

dentiality agreement so that selling the Hydro One assets will prohibit us, the public, from finding out what is in that deal. That’s one piece that’s not in here: protection for the public when their government decides to take an asset that used to be publicly owned and sells it off.

The second point I want to make, and my colleague Mr Conway alluded to it, is the lack of consumer protection there has been for consumers who have signed contracts dealing with hydro. We here in the Legislature have been debating this issue for months. We regard ourselves, I think, as comparatively knowledgeable about this issue. I say “comparatively” because I think very few people, myself included, understand it completely, but we’re comparatively knowledgeable. Frankly, I would be surprised if there’s anyone in this Legislature who can make a determination on whether it is best to be signing on to a fixed contract or to simply let the rates flow. I don’t know the answer to that.

I think the average person would have an enormous problem in determining whether it’s a good or bad deal. I have no doubt that the companies running it have got it figured out, because it’s at least hundreds of millions of dollars that they’re prepared to invest in this adventure. They no doubt have figured out how they’re going to make sure they don’t in the end get caught holding the bag. But I don’t think the average consumer can in any way figure this out.

We’ve unleashed a process out there where people are knocking on doors, and frankly we’ve exacerbated it because anybody who’s paying attention to hydro, and I think it’s virtually everybody in the province now, is frightened. They’re wondering what is going to happen. So people, in my opinion, are being almost frightened into signing these fixed contracts, but they’ve no idea where it will lead. It’s not going to be enough to say simply, “Well, it’s just buyer beware, and if you can’t figure out the details of this complex agreement, that’s too bad for you.” So we’re to blame. We’ve unleashed this huge issue of hydro prices. We’ve thrown the people of Ontario to the wolves and, rightly so, they don’t know what to do, but I can assure you they’re signing long-term contracts with substantial financial implications to themselves.

Furthermore, as my colleague Mr Conway pointed out, at least many people in the province thought, “Hydro One is coming around to sell me this thing, and I’ve always trusted Ontario Hydro. We own it, so I assume that if we, the taxpayers, own it, if they mistreat me, somehow or other I’m going to have some recourse.” But what happened to all those people who signed the fixed contracts with Hydro One, the successor to Ontario Hydro? Suddenly they found that their contract was sold to another company, a completely different company from another province. That’s quite all right, quite legal, but I think people are now waking up, as Mr Conway has said many times, and saying, “Firstly, I’ve signed this thing. Part of the deal looks like I might be getting a rebate. I’ve signed the rebate away. I’ve signed on to a fixed long-

term contract. I don't know what I signed. Furthermore, Ontario Hydro or Hydro One has sold it off."

As we look at this bill designed to update some legislation, that's very good and we need to do more of that. We need to find ways that the Legislature proceed much more quickly. It amends many statutes and it tries to bring these acts up to date with new technology.

I think the public is talking about two things that most directly impact them right now, namely the contracts they're signing on hydro and for many people in this area, Highway 407. The average daily number of people on there is about 400,000. It's not an insignificant amount, but it doesn't affect everybody in the province. But on both of those things—in the one case we've allowed a contract to go out that people are signing that you really have to be in the top—not the top 1% but one tenth of 1% of knowledgeable people on electricity to understand what you're getting into. On the other hand, on the 407 we've told the public one thing about tolls and we've allowed the 407 company to do something quite different. They both can't be right. The 407 company can't be right in saying, "We can take tolls without limit," and the government can't be right in saying, "When we sold this thing, we put in place a mechanism that would prevent tolls from being increased beyond the rate of inflation." There's no consumer protection for those two things in the bill.

I'll touch briefly on one last point because it was raised during the previous speaker's debate, and that is the importance in the Ontario economy of our trade with the US. Ontario is now the most export-oriented jurisdiction in the world. Nobody has a higher percentage of gross domestic product represented by exports to other countries than Ontario. About 10 years ago, it used to be 29%; it's about 55% now. While all governments like to take credit for the economy, jobs and whatnot, I don't think there's anybody, or at least very few people, who would dispute that the major reason for our economic growth in the last 10 years in Ontario has been the growth of exports. That's the major reason. It's not the only reason, but the major reason.

It's a testament to Ontario's business community that we've been able to do that. We've competed enormously successfully with the US. My only personal regret is that we haven't developed as much business outside of the US as well. I love the business in the US, but I wish we'd also be able to see that same sort of growth in other countries. Nonetheless, we're successful in the US.

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The point I'm making here is that just as the government now, in setting tax policy, purports to compare taxes in Ontario much more to the US states than to other provinces in the country, we need to make sure that our consumer protection recognizes the international aspect of trade. It happens that this bill deals with the Loan Brokers Act. I'm proud to say that was a private member's bill that I developed, I might add, in conjunction with a reporter from the Sun, Linda Leatherdale, who really was the driving force behind it. But I was the

person here in the Legislature who developed it, who put the bill together. It went a long way to stamping out the abuse by loan brokers here in the province of Ontario, and I'm very proud of that. But guess what happened? These companies continue to operate in Ontario, but now they're doing the bulk of their business in the US. They're located here, but they are gouging people in the US. The purpose of raising this point is that we now need to make sure that we recognize the global nature of our businesses and our trading. Perhaps I didn't write that Loan Brokers Act perfectly and perhaps there were some steps I could have taken in drafting the bill that would have closed those kinds of loopholes.

As I say, I don't believe the things that are front and centre right now, I think, with the people of Ontario are addressed by the bill; and those are the enormous concerns people have—and by the way, those concerns will be really highlighted in the months ahead, particularly when the electricity rebate is announced and those 20% or 25% of people who are now on fixed contracts realize that they're not going to participate in it.

So yes, we need to change our legislation. We need to find ways to change it much more quickly. Yes, we need to change our legislation to reflect the rapidly changing technology and the international basis on which all of our businesses are now conducted.

As I say, I think we've missed at least two: consumer protection from their own government action and consumer protection in the area of electricity.

Mr Kormos: I appreciate the comments of the member. I'm going to have the floor in around eight or 10 minutes' time.

Tonight we're debating the Safe Drinking Water Act. It is Halloween night. It's Thursday night. It was an interesting thing because the government approached me and indicated, "Oh, it's Halloween night, and our members don't want to be here." Well, that's fine, I understand, but we've got business to do. The government brought a motion to sit Thursday night. Now mind you, if there aren't enough government members around come 8 or 8:30, we may feel compelled simply to move adjournment of the debate. If they don't want to listen to it, then we can just move right along and set it over to the next day. As it is, there's hardly a member in here now. Mr Stockwell came to me and asked me if I'd agree, and I thought, "What would Ozzy Osbourne do?" I realized what Ozzy Osbourne would tell the government House leader, but that would be unparliamentary, so I just indicated, "No, I'm not making any deals." It doesn't work that way. You can't have opposition members here speaking to an empty House.

We want safe drinking water to be debated this evening. We want as many people as possible to listen to it. So opposition members are going to be here debating it. I'm looking forward to seeing the government members here tonight too as we debate the Safe Drinking Water Act. Sauce for the goose, sauce for the gander; that's what Ozzy would have said.

Mr Norm Miller (Parry Sound-Muskoka): On a point of order, Mr Speaker: What is that thing around the neck of the member there?

Mr Kormos: Well, that's the way it is. I'll be wearing the tie this evening too in celebration of Halloween.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I'd just like to say this is another indication of why it's impossible to meet with the third party House leader. You go to him with an off-the-record conversation, to discuss the business of the House to see if we can have an agreement. Because yes, it's true, some members have children. We have to work tonight, and we were seeing if we could make an agreement to allow them to go home and take their children out trick-or-treating, which may sound to some degree—

The Deputy Speaker: Excuse me. I think we're off topic. I think we're responding to the member for—

Hon Mr Stockwell: I'm responding to the member for Scarborough-Agincourt. That's exactly what the member spoke about. I guess that's the trouble in dealing with you, because nothing is in confidence, nothing can be discussed without you standing up here and doing what you just did, which diminishes everything. I'm not going to apologize. Yes, some people who work as politicians have children. Yes, some people in this place have responsibilities. And if one of those small responsibilities they have is to go home, hopefully, on Halloween night to go out with their children trick-or-treating, I was hoping against hope that we could somehow get some collegiality here, an agreement.

The Deputy Speaker: I think we'll have to either get back to the—

Hon Mr Stockwell: I'm doing my best, Mr Speaker. I can only suggest to you that that was what he spoke to. I'm not sure how I'm out of order and he was in order.

Now, Mr Speaker, in closing, to comment to the member for Scarborough-Agincourt, I know him to be an honourable member, and I know others to be honourable members. That simple token of appreciation for members of all caucuses who have children could have been helpful. It's once again an example of dealing with you, Mr Kormos: asking you in confidence and having a private discussion where you then stand up and make a pointed effort to diminish this place and diminish the hope that we could have any kind of relationship where any discussion can possibly be kept confidential. That's why, Mr Kormos, you are the House leader from hell.

The Deputy Speaker: I don't think that will help our deliberations here. I will ask all of you to bring your comments within the parliamentary system.

Hon Mr Stockwell: On a point of order, Mr Speaker: I would like to withdraw the comment that the member for Niagara Centre is the House leader from hell.

The Deputy Speaker: Thank you.

Mr Gerard Kennedy (Parkdale-High Park): I'd like to speak to the bill and I'd like to talk about the fact that the government has a pretty poor track record when it comes to consumer protection.

A number of years ago, they said they were going to improve protection in other areas in an omnibus bill similar to this one. Real estate, for example, they made self-regulating, and there were things like pressure devices, amusement devices and so on, and, people may not realize, the elevators they travel up and down in. For example, if you were in this building, you would have seen until about a month ago that the elevators hadn't been inspected for about a year. The reason they weren't inspected I guess was some technicality, but the fact is that if they were inspected, it was by an authority set up by the people who construct the elevators, the people who service the elevators.

I would say we'll find out that the government is always pulled away from the essential thing for consumer protection, which is the public interest. The government sets up a contrast for us time after time. The private interest and the public interest are put, like magnetic forces, in the same room, and inevitably the private forces win out. That's what we've seen with travel agency self-regulation in other jurisdictions and so on, and inevitably and invariably this government finds itself in that predicament.

We see that we don't have in this bill some of the urgent consumer issues, the ones concerning hydro, for example, the ones about gasoline prices where people would like to see the government at least take an active interest and stop their only active finger pointing. We see that on the billing practices, some of the door-to-door sales practices that people have been subject to over hydro. Throughout the piece, the government has taken a laissez-faire attitude. We believe government should be there when they are needed, as a referee.

We saw the government back out of one of the biggest consumer protection things with rent controls, not being there when things are out of balance.

There may be some merit to this bill, but what's missing is a fundamental commitment that the government can actually pull it off.

Ms Churley: I would say at the outset that we should all be home tonight shelling out candy and being with our children and grandchildren. It's too bad that not just Tory members can't get to go home—anyway, I'm here tonight to debate the Safe Drinking Water Act.

I want to say to the minister and to the government on this bill that in some ways it's easy to bring in bills that protect consumers from obvious scam artists. We've got some obvious scam artists going around right now who are ripping off consumers on their hydro bills. So I've got lots of problems with the bill, and Mr Kormos will be outlining some of those issues later. Some credit should go to the government on some of this as well, but it's very difficult to do that when you have a government that with one hand is helping out some consumers in some cases but with the other hand is hammering them with those skyrocketing hydro prices and the gas charge prices.

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You talk about how this piece of legislation before us today is protecting consumers. We have been hammering you day after day after day, week after week after week, month after month after month now about what's happening to consumers out there when it comes to their protection with their hydro bills and the scam artists that have been at their door signing them up, the fact that you guys have let these people loose on the consumers of this province. We offered a consumer protection remedy. Howard Hampton offered another one today to keep their hydro from being turned off during the winter months. Those protections that are so critical to people right now, you are ignoring, and you are not doing something for those very people.

The Deputy Speaker: The member for Scarborough-Agincourt has two minutes to respond.

Mr Phillips: Just for the record, I never mentioned Halloween, so I was not involved in the Halloween issue. But I appreciate the comments from the members for Niagara Centre, Etobicoke Centre, Parkdale-High Park and Toronto-Danforth.

Just to say it once again, I think the public look to how we deal in legislation with the private sector, but they also have a right to say, "Well, how does the government itself handle consumer protection?" That's why I return again to the two major issues I raised in my comments.

One is that I don't think anyone in this Legislature can say with a straight face that the contracts that are being offered to the public out there on hydro are understandable and provide a basis for people to make an informed decision. I repeat: I honestly don't know which is the right decision to take, even now. Yet people are being asked to sign deals that will cost them perhaps hundreds, if not thousands, of dollars over the next few years.

The second issue I raised is that the government, when they sold the 407, told the public one thing, and the 407 owners have done something completely different. As I said earlier, the average driver on the 407 who commutes is spending \$2,500 a year on tolls and there is no control on it.

So I wish this bill had addressed those issues in addition to the ones it did.

The Deputy Speaker: Further debate?

Mr Mormos: I should explain at the very onset that I am, with great pleasure, subbing for our member from Hamilton West, David Christopherson, who is the critic in this area. David Christopherson had planned to be here and indeed would have been here doing the leadoff participation in this debate on behalf of the New Democratic Party. Unfortunately, he had to rush back to Hamilton because today Hamilton Health Sciences announced dramatic cuts in their services. As I understand, it's shutting down 148 beds without being sure as to where those patients are going to go, among other things because the government hasn't flowed the dollars that were promised in the last budget to cover hospital deficits. So Mr Christopherson would have been delivering this leadoff but for his responsibility to his constituents. The

critical position that this government has put Hamilton and area and the Hamilton Health Sciences in as a result of this government's failure to deliver those health dollars to cover deficits has resulted in Hamilton Health Sciences putting at risk, serious risk, the welfare of a huge number of Hamilton and area residents. It's unfortunate. It's incredibly unfortunate.

I tell you that, however regrettable it is, what we witnessed in Hamilton this afternoon as a result of this government's underfunding of health care and hospitals is at risk, and I predict will, without speedy intervention, be repeated in municipalities and with health services across this province.

Look, it's been said, and I'll say it again, Bill 180—Ms Churley just a few minutes ago indicated—who's opposed? Nobody can be opposed to consumer protection. I suppose any enhancement of consumer protection is, in and of itself, a good thing.

I want to reiterate our regret about the lack of consultation. We've got a copy of the letter that Professor Ziegel sent to Mr Hudak, the minister. Professor Ziegel, who's known to many of us, certainly known to Ms Churley, known to myself, is an expert. He's over at the University of Toronto law school. He's an expert in the area of consumer protection and has made himself available for consultation free of charge. This is what I can't understand. I was shocked to read this recent letter from Professor Ziegel, wherein he wasn't even made aware of the legislation being drafted, never mind presented for first reading. He found out about it because a colleague up at Osgoode Hall Law School encountered Bill 180 on the Internet.

Professor Ziegel, in his letter to the minister—and he has provided other people with copies of it, not inappropriately—effectively not only offers up his services in terms of consultation, but calls upon the minister, "Please, let myself"—Professor Ziegel—"and other experts get involved."

I want to tell the minister that he would be incredibly ill-advised, and has been ill-advised if in fact it was the advice that was given to him, yes, to exclude Professor Ziegel and others of that calibre from a consultation process.

My fear, my suspicion, is that this bill won't go to committee, and if it does, it'll be for the briefest of times, one of those slam-bam committee processes where it's in committee, then at 4 o'clock all those questions that have to be called are deemed to be called and it's put to a vote so the government majority rams it through.

Is there anything in and of itself offensive in the bill? Well, at the end of the day, no, because I suppose one of the observations that's so readily made is that in so many respects there's not a whole lot new in the bill. This is not just a redrafting but simply a reassembling of a whole lot of existing common law, some existing statute law and some minor tweaking here and there.

I put to the minister, and I welcome his response in this regard: I want to talk about some of the scams that are performed on the folks down where I come from,

where my constituency office gets involved and where I've been involved.

Let me tell you one of the biggest scams. I appreciate that it's not within provincial jurisdiction, but I'd be interested to hear what this minister has had to say to the federal government about the scams that the banks do on customers on a daily basis. In my own personal experience one of the biggest offenders is the Toronto-Dominion Bank, where they've actually stolen people's money. They nickel-and-dime accounts, drain accounts with charges. Maybe I go back too far and approach these things a little bit simply.

I had a Toronto-Dominion Bank account here in the city of Toronto. I've talked about it in the Legislature before. Yes, I guess it had acquired the status of a dormant account. The money just sat there. I figured the money was safe in the bank. The bank was enjoying the use of my money. You understand what I'm saying? The bank was enjoying the use of my money, but they nickel-and-dimed me out of several hundred dollars. By the time I finally went to that bank and said, "I'd like to withdraw a couple of hundred bucks," I was told that I owed the bank money. That's a scam.

There used to be a time way back in the 1920s, especially in the United States, when banks were going belly-up in the Depression, where people acquired a great distrust for banks. Now, with any number of insurance schemes and so on, people have been reassured of the confidence they can have in banks. But at the end of the day you've got banks still taking people left and right: new charges and nickel-and-diming people with but savings accounts. I would urge people, if they've got money in the Toronto-Dominion Bank, to pull it out as quickly as possible before the Toronto-Dominion Bank does to them what they did to me. I don't trust the Toronto-Dominion Bank. I've got no reason to and I've got every reason not to.

1730

In fact, I'm a fan of credit unions. This last weekend I was down at the 50th anniversary of the Canal City credit union in Welland, formerly Page-Hersey employees' credit union. If you want to avoid bank scams, if you want to avoid banks ripping you off, if you want to avoid banks nickel-and-diming you, then the real consumer protection there is to get people into credit unions. I appreciate that the matter of banking is a federal matter and the minister couldn't have included that in this legislation even if he had wanted to. I'd be interested in knowing whether or not he wanted to and whether his confidence in banks is somewhat greater than mine. But maybe he's never had a bank rob his money; maybe he's never had a bank steal money from him. I've never had that done to me by a credit union, not by a long shot.

The other area of consumer protection that of course can't be canvassed here because it's a matter of federal jurisdiction is cable television. You've heard me talk about that before too. How those bandits get away with what they're doing just rots my socks. It is incomprehensible. Cable television operators persist in this prov-

ince in underservicing the province; in other words, there's nowhere near a guarantee of 100% coverage, not 90% coverage, probably not even 80% coverage. They deliver an incredibly poor quality signal and yet they charge a literal arm and a leg for their so-called services.

Try getting hold of a cable company when you've had a breakdown or a lapse in cable provision to your home. You get put on hold and on wait and you've got voice mail and electronic voices and mechanical voices and "Press button 1" and "Press button 2" and you wait forever. Then you're told to stay home during a workday, as if you could be there, because the fact that you work and try to eke out a few bucks a week is what enables you to pay for the cable. I'd dearly love to see somebody get tough with the cable companies in terms of some basic consumer protection.

The other thing that really ticks me off about cable—and I've had calls in my constituency office and Jim Bradley has raised it any number of times here, as have I—is when the cable company, Cogeco, down in Niagara, put the legislative channel up into the high numbers so that a whole lot of people with the old television tuners that don't go all the way up to number 59, or whatever the heck it is, literally can't access it. I appreciate it's not in the minister's bailiwick, not in his jurisdiction, but I'd like to hear the minister at least talk tough about the cable companies. I'd like to hear John Tory. John Tory apparently is going to be a potential candidate for the leadership of the federal Conservative Party. I'd like to hear John Tory campaigning, among other things, on a plan to get tough with cable companies. Do you think John Tory is capable of it? Boy, he'd show his stuff were he to do that.

Yet, one more area of consumer protection is very much related to this bill. Reference has already been made to the fine print elements of both advertising and contracts. I'd like the minister to tell us where in this bill there is some protection for consumers against the hyper-fine print. It's not as if Bell telephone has got anything good to say about it, because what they've done is reduce the size of the print in their phone books over the course of the last several years so that anybody who is over 40—not anybody, but the biggest chunk of people over 40—has the hardest time finding numbers, never mind once you reach 50 or beyond. But it's that same sort of fine print that finds its way into any number of so-called otherwise legitimate consumer contracts. Take a look at the print and you'll notice that it's not written in hard black and white. It's usually printed in grey so that it becomes but a blur to most readers of it.

I'd be interested in seeing this go to committee because I'd be interested in seeing this government respond to a proposition around some amendments to literally eliminate the fine print. If it's good enough to be said or written, say it audibly or write it legibly so that consumers can read what they have an entitlement to read.

That takes us to yet another issue, and that's plain language, plain-language requirements. Plain-language

legislation has advanced a long, long way. A whole lot of US jurisdictions have plain-language requirements. There are all sorts of readily available standards for the utilization of plain language; and plain language would go a long way toward giving the consumers power in their own right to determine what kind of agreements they are getting into.

I want to talk about some of the scams that I have encountered down where I come from. My concern is that this bill does not address what are prevalent scams down where I come from, down where the Minister comes from too—down where he's set up his new home, in a rather nice part of Niagara region, which may well become a part of the riding of Niagara Centre in due course. I have asked him already if he's going to be good for a sign location. He said he's undecided; he has to ask his spouse.

One of the scams that we've had to deal with, and I'm sure other constituency offices as well—and again, this is where the bill falls short because I don't see anything in the bill that is going to address this: the driveway paving operations. How many times has my constituency office had a call—and the interesting thing is that many—I'm about to say most, but I'll say at the very least many, and probably most, of the victims of these driveway paving scams are senior citizens. They are people who take great pride in the appearance of their house, in the conditions around their house. Their yards are much better kept than mine is over on Bald Street—

Interjection.

Mr Kormos: Well, they are. They're meticulous. The paint is always properly painted around the window frames and there's no blue boxes to be seen; not that they don't use blue boxes but the blue boxes are well hidden away in beautifully decorated containers in their own right.

These are people who take great pride in the appearance of their homes and their neighbourhoods. And you have the roaming door-to-door asphalt provider doing driveway installations. I suppose the first bit of advice, because this goes to yet another deficiency around this whole legislation, is access to consumer protection before the fact: access to hotlines giving people advice on how to deal with these things; access to written material in any number of languages that would enable people to do some basic homework and research; access to registries of bad operators.

So what happens—and it's usually an out-of-towner. They can come from any part of Ontario or even beyond; they can come from Quebec as well. They pull into town—a couple of dump trucks as a local asphalt provider, a flatbed with some heavy rollers—and go door to door marketing asphalt paving for drivers. And not all the time—I'm not going to suggest that everyone of them is a bad operator—but more often than not you end up with a job that is incredibly deficient. The foundation hasn't been properly laid; there hasn't been proper excavation and removal of the previous asphalt driveway, which has buckled and caved in and rotted away from water and

gasoline and oil; there hasn't been sufficient or adequate preparation of the foundation or removal of the old asphalt driveway; and if that was done, the surface of asphalt that is laid down is far too thin to be effective for more than about a day or two. In fact, it is only effective for so long as that period of time that they ask you to keep your car off the asphalt, because the minute you start driving a car—and never mind a heavier vehicle, let's say an SUV or a full-size pickup—the asphalt literally starts giving away underneath the tires of that vehicle.

My office has dealt with those situations countless numbers of times. Can you sue the operator? Yes, if you can find him or her, or it if it's a corporation—and usually they are. Can you be successful? Yes, more often than not, because most of the time these operators merely default in terms of providing a statement of defence and let you get default judgment. But is the judgment, which has already cost you a few hundred bucks in court fees alone in Small Claims Court, worth the paper it's written on? Because when you try to execute or have it executed, that corporation either is inexigible or has folded and the operator has rolled the assets, usually the equipment itself, into another corporation; or if it's an individual, that individual is not just the defendant in your case and that individual is inexigible.

1740

I don't see anything in this bill that protects my folks against the driveway paving scams that are perpetrated literally every summer, and there are things that could be done: a hot list of bad operators. We've supported this government's efforts to register, in some areas, areas of highly dangerous criminals. I see that the Ministry of Consumer and Commercial Relations, as it once was called, could do an outstanding service if it had an accessible registry of bad operators.

One of the problems with the ministry, and it's interesting, because I'm sure when Ms Churley speaks to this bill she may also—

Ms Churley: If I get a chance, if it's not time-allocated.

Mr Kormos: If Ms Churley gets a chance, if it's not time-allocated and the opportunity to speak to it is stolen from her, Ms Churley has expertise and experience in this area from a whole pile of arenas, among other things her participation in the ministry for some significant period of time, much longer than myself.

One of the things Ms Churley has commented on, and I'm sure will do again if she's given a chance to speak to the bill, is the gutting of the ministry. All of us—I shouldn't say all of us. I know most of this caucus, the NDP caucus, has made efforts, for instance, to telephone the ministry to look up various enforcement branches either to obtain information or to report perceived infractions for the purpose of investigation. There's nobody left there. It's an empty building. The halls must ring with the footsteps of the one or two people who work in the ministry. There's no longer an effective enforcement branch. There's certainly no consumer protection branch from the point of view of preliminary protection.

A couple of times the constituency office down in Welland, and I'm sure others, be it here in Toronto at Broadview-Greenwood or Toronto-Danforth, has been successful in using, perhaps, the leverage of the press or commentary here in the Legislature to cajole or coerce a return of money by an operator, but that certainly doesn't do the job for subsequent victims of that operator's rip-off schemes or scams, does it?

I'm afraid this consumer protection act isn't going to do very much from my point of view, subject to what the minister may say to make me feel more comfortable, more at ease, for victims of driveway paving rip-offs. He can say, "Sue." I can say, "Sue what?" Because you can sue until the cows come home, but the goal should be to protect people before they get victimized. I say that the Ministry of Consumer and Commercial Relations, and I think most people in this province would agree with me, ought to be out there protecting people against the scams in the first place, instead of standing by for them to get ripped off and then providing directions to the small claims court registry office, where you've got to start laying down a few hundred bucks even to get the whole thing proceeded with, commenced, initiated.

Scam number two: the vacuum cleaner scam. It's incredible that these scam artists are still working the streets. That's the inevitably out-of-town-based, and sometimes out-of-province-based, door-to-door retailer of ultra-high-priced vacuums. You check Consumer Reports magazine—again, people might want to go on the Web, consumerreports.org, and you can see any number of candid tests—unbiased; no commercial affiliation by that association—of vacuum cleaners. At the end of the day, those multi-thousand-dollar vacuum cleaners inevitably are not only not superior to any number of domestic North American or offshore-made vacuum cleaners, but are in fact inferior.

We've dealt with folks down in Niagara Centre who have been scammed, and of course the vacuum cleaner salesperson takes away the old vacuum as a trade-in and then it becomes even more difficult for that person because they argue, "Oh, no, that's gone off to the processor." Do you know what they do with the old vacuums? They throw them in the dump. It's all part of the scam, because you don't have a vacuum any more if you really insist on returning the rip-off vacuum you just bought, with some exotic name and a few straps of chrome around the same otherwise plastic body.

We've had some success in using any number of coercive tactics like using the press or the threat of speaking to the matter here in the Legislature in terms of getting people's money back, but the fact is a whole lot of people don't even bother reporting it because, quite frankly, they're embarrassed. It's usually older folks who get scammed because the salespeople around these things—shame on them—exploit many times the isolation of older people, very much exploit older folks' pride in their home, in the cleanliness of it and the orderliness of it—again, homes that are far cleaner and far more orderly than mine ever has been or ever will be.

I don't see anything here that protects consumers against the door-to-door vacuum cleaner scam. You see, the other problem is, be it the vacuum cleaner and most other consumer products that are sold door to door, the assignment of the paper, because these items are sold on time—first off, they're sold cash. Then you've got to tell your constituent, "Wow, that's even riskier because you paid cash up front." It's gone. Tracking those artists down is going to be a formidable task. But when your constituent tells you, "Oh, but I've got a time payment program; you know, \$500 down, \$200 a month for the rest of my life," there's a glimmer of hope and you say, "Oh, well, we'll default on the payment."

But what these operators inevitably do is sell the paper. They assign that credit note to a third party, who then has no relationship with the otherwise scammy product. Whether it's a finance company of the old school ilk—inevitably it's interest rates that start at 18% and go up to around 29.5% or more, or so much as the Criminal Code allows—you've got no rights as against the holder of that paper. So I would prevail upon the minister to start engaging in some programs that provide outright education to stop these scam artists in their tracks, protect people from the scam in the first place and ride the scam artists out of this province on a rail.

If you want to make reference to the tie I'm wearing, Speaker, it's very Halloweeny. Michael Prue had one just like it, you might have noticed.

Ms Churley: Yes, he did.

Mr Kormos: Michael Prue had a tie identical to mine and I want to commend his wife for buying him his.

Ms Churley: Who bought you yours?

Mr Kormos: The fact is, I have to have it back to the store by 10 o'clock tonight. But it's very in the Halloween spirit that I, with great pleasure, wear this gesture of goodwill toward so many youngsters tonight. Perhaps some of the children of the members of this assembly will be out there with their folks—except, well, we are sitting Thursday night. They're called evening sittings. It happens to be Halloween. I understand.

I'll tell you one more scam. This one's not really a scam; it's just half a scam. One of the problems I have is we get a whole lot of complaints about overselling—and the minister might want to respond to this. Again, as often as not, it's senior citizens who have become a little bit isolated from time to time and certainly are regarded and seen as prey by the perpetrators.

One is the steel roof scam. There's nothing wrong with steel roofs—nothing whatsoever. They're incredibly expensive. They have an incredible lifespan. But I've got folks who called me up—I had one just a year ago. They're 75 years old and they've got something like a \$15,000 tab to pay for a steel roof when an asphalt shingle roof would have cost them maybe \$2,500. They've rethought it and said, "Well, maybe we can't afford to spend that." With an asphalt shingle roof you can get a 25-year warranty or a 30-year warranty but, they were explaining, they bought the steel roof because it had a 50-year warranty. I said, "But you're 75 years

old." What is somebody doing selling you a \$15,000 steel roof and using as the selling point that it's got a 50-year warranty? My friends, trust me, you'll do fine with a 30-year shingle at a fraction of the price.

Is there anything illegal about that conduct? No. Is there something unsavoury about that type of over-selling? Yes. Is there any protection in this legislation? Well, but for the cooling-off period, once again, no. Is the protection going to be contained in a statutory structure that merely provides penalties after the fact? I suggest not. I suggest that the protection is more significantly going to be contained in educational programs, in 1-800 lines that provide advice and counsel to consumers so they can protect themselves before the fact. An awareness on the part of consumers that there would be a hotline available at the Ministry of Consumer and Business Services to talk about roofing, driveway paving, basement waterproofing. Again, unlike the steel roofs, which as I say are merely unsavoury in terms of over-selling, because steel roofs do have incredibly long lifespans—and if you're 25 years old building a house, it may well be a suitable roofing application, or if you're in parts of Ontario where the climate is particularly tough on asphalt shingles, it may be a particularly wise investment.

1750

You see, basement waterproofing is almost inevitably an out-and-out scam, because there's no such thing as waterproofing a basement without excavation. You can't waterproof a basement from the inside. You can dig a trench around the inside so that the water drains out, but there's no such thing as waterproofing a basement from the inside. The hydraulic pressure is simply too strong.

Ms Churley: I didn't know that. I bet lots of people don't know that.

Mr Kormos: That's right. But they get scammed: a coat of tar, some fancy tinfoil type of flashing glued to the inside of the wall of the basement. The water's coming from the outside. You've got to inhibit the water at the point of entry, not at the point of exit where it comes into the basement. So again, I want our Ministry of Consumer and Commercial Relations to have programs available. Does this cost a few bucks? Yeah. But as a taxpayer I'm prepared to invest in these kinds of things, specifically in these kinds of things.

I want to get down to automobiles. Again, I've got no quarrel with the legislation, most of it recycled but somewhat tweaked, in terms of motor vehicle repair standards and controls. Is it adequate to protect people against scams? I say no. There's all sorts of good car repair places across this province, I have no doubt about it. Regrettably, the privately owned garage service station is becoming an increasing rarity, yet at the same time, historically, it was one of the most reputable places for car repair. It's true. But because of the oil companies and how they operate gas stations versus service stations, and the gas bars, many of those mechanics are out of business. But I encourage people to develop a relationship with people like young Fralik up on Niagara Street in

Welland. The Sunoco station up in Welland just before the 406, they're incredibly reputable people; or Lee's, again a similar Sunoco station over on Prince Charles Drive.

One of the places, not the only place in town, to get competent, trustworthy, reliable repair work—I use a unionized shop, David Chev Olds. Its mechanics are members of the Canadian Auto Workers. They're unionized and that provides me, quite frankly, with a level of comfort, not only knowing that they provide very good and reliable service and wouldn't scam you if their lives depended on it; I know that as unionized workers those mechanics are paid well. They don't have to do piecework, they don't have to rush jobs through because they're on flat rate, so I take comfort in the fact that a unionized shop is a safe place to get your car repaired. And that's not to say it has to be unionized, because obviously most of the smaller, independently run service station garages aren't unionized because its owner-operator. So Fralik on Niagara Street, Lee's Sunoco and any number of other places are going to serve people just fine.

I'd like to see some educational material from the ministry. I know that from time to time—and more often it's the newspapers, it's the Toronto Star car section that does it before the ministry does, goes out there doing stings, testing car repair operators to see how effective the diagnosis is and whether it constitutes an outright rip-off or merely lack of knowledge on the part of the mechanic. But I tell you, one of the most important things I think this ministry could be doing would be to educate people about how to identify a competent, reliable repair shop, how to find one and how to maintain a relationship with one.

One of the resources that I use, quite frankly, in view of how this government—and I trust it still does, I could be corrected—the Consumers' Association of Canada is a pretty toothless consumer protection organization, and quite frankly will do the government's bidding as long as the government continues to fund it. But a group like the Automobile Protection Association here in Toronto, which is independent of the government or of any other retailer, does an excellent job of giving people advice around car rip-offs or on where to get your car repaired. They're the people that referred me to Krown Rust Control. It was the Automobile Protection Association that referred me to Krown Rust Control, which I've used for all my vehicles for a good chunk of time. Krown Rust Control, in my view, merits the high approval rating that the Automobile Protection Association gives it. I encourage people to call the Automobile Protection Association. Another one is the Automobile Consumer Coalition, which is a similar, parallel organization. So the Automobile Protection Association, the APA, and the Automobile Consumer Coalition—my good friend Mohamed operates that. Both of those places will provide people with outstanding advice in terms of where to get good repairs, excellent advice on how to avoid scams, excellent advice on where to get the best rustproofing for your

car. One thing people have to avoid is the dealer-provided rustproofing. That's a scam. I'm sorry; that's a scam.

It's like when you go to the haberdasher, as some of my colleagues are inclined to do, and they sell you a suit, but then they want you to buy the tie, the belt and the shirts to match. They don't make the money on the suit as much as they do on the tie, the belt and the shoes.

Automobile dealers do the same thing. Nobody in their right mind should get rustproofing, when they buy a new car, from the automobile dealer. It's overpriced and quite frankly most dealers don't have the facilities to properly apply it. Call the Automobile Protection Association, call the Automobile Consumer Coalition; they'll send you to Krown Rust Control, where you have a product that works and a service that is definitely not a scam.

I'd like to see the Ministry of Consumer and Commercial Relations giving people some of the same counsel and advice. I'm not sure the Automobile Protection Association or the Automobile Consumer Coalition would like to see the Ministry of Consumer and Commercial Relations subsidize them to the same point that they have, at least historically, subsidized the Consumer Association of Canada, because the APA, the Automobile Protection Association, and the Automobile Consumer Coalition provide a whole lot more consumer services for car owners vis-à-vis used purchases, new purchases, repairs and rustproofing than the Consumer

Association of Canada ever has for consumers at any point in its history.

I tell you that this ministry could be proactive in the area of consumer protection. I tell you that this ministry and this minister could be telling us about restoring the level of staffing, especially in terms of investigative staff, because even when that ministry was fully staffed, the investigative staff were hard-pressed to undertake the investigations and subsequent prosecutions that they were called upon to do. Now that it's gutted, it's not just hard-pressed, it's impossible for the Ministry of Consumer and Commercial Relations to conduct investigations and provide meaningful, hands-on consumer protection.

I'm far more interested in protecting consumers before the fact from scams and rip-offs than I am in providing them with an expensive and complex courtroom remedy after the fact, or in providing the province with statutes and infractions that the province is ill-equipped to prosecute because it doesn't have the investigative and prosecutorial staff and because we've got a province where this government has created a reputation more for plea bargaining and letting people off the hook, whether it's Ministry of Labour prosecutions, whether it's Ministry of the Environment prosecutions or others.

The Deputy Speaker: It being 6 o'clock, this House stands adjourned until 6:45.

The House adjourned at 1759.

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Legislative Assembly
of Ontario

Third Session, 37th Parliament

Assemblée législative
de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Thursday 31 October 2002

Jeudi 31 octobre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 31 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 31 octobre 2002

The House met at 1845.

ORDERS OF THE DAY

SAFE DRINKING WATER ACT, 2002 LOI DE 2002 SUR LA SALUBRITÉ DE L'EAU POTABLE

Mr Stockwell moved second reading of the following bill:

Bill 195, An Act respecting safe drinking water /
Projet de loi 195, Loi ayant trait à la salubrité de l'eau potable.

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: I don't believe we have a quorum.

The Speaker (Hon Gary Carr): Would the Clerk please check for a quorum.

Clerk Assistant (Ms Deborah Deller): A quorum is not present, Speaker.

The Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Speaker: The Minister of the Environment.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I will be splitting my time with the members for Haldimand-Norfolk, Brampton-Gore-Malton-Springdale, and I believe Niagara Falls as well.

Mr John O'Toole (Durham): Durham.

Hon Mr Stockwell: Not Durham. Specifically not Durham. If he tries to get up, we're not splitting our time. I know Mr Bradley will be splitting his time with himself.

It's kind of a pleasure—it's more than kind of a pleasure; it is a pleasure to speak today on a bill that I take great pride in, the Safe Drinking Water Act. It's been a long time in the making and, in my opinion, it does many things to implement Justice O'Connor's report and resolve many outstanding issues that needed to be resolved that led to the terrible tragedy in Walkerton.

Being the Minister of the Environment who brings this bill into the House is truly an honour. I suppose in a lot of ways it's an honour with some very sad background to it.

I expect to hear tonight from the member from St Catharines for the Liberal Party and the member for Toronto-Danforth for the NDP. I'm going to listen very intently and carefully to the opposition members, because

I take very seriously their input into this bill. I believe it's a non-partisan bill. It's a bill that I think will build a better system to make our water safer, and I can't honestly believe that anyone would think that isn't a goal of every member in this House.

We're here tonight to begin the first round of second reading debate on our proposed Safe Drinking Water Act. In my opinion, this is a solid legislation and one that was derived from exhaustive public consultation, started by Justice O'Connor and continued by the Ernie Eves government.

In May 2002, Justice O'Connor concluded his work with the Walkerton Inquiry with his part two report that made 93 recommendations on how this province could ensure the safe delivery of drinking water. I might add that 93 recommendations were adopted by this government.

Recommendation 67 states that, "The provincial government should enact a Safe Drinking Water Act to deal with matters related to the treatment and distribution of drinking water." This government is delivering on this recommendation and on 49 more through this proposed act, which obviously means that we're delivering on 50 of the 93 recommendations.

It is an act to provide for the protection of human health through the regulation and control of drinking water systems and drinking water testing. We are strongly committed, as you have heard time and again, to ensuring that the people of Ontario have safe drinking water and that all of Justice O'Connor's recommendations are implemented.

1850

I might add that I will be interested in the voting of the opposition parties on this bill. It will be curious in my mind to see how they vote. I know they've said off the top in the introduction to this bill that there were some deficiencies with respect to source protection. It seems to me that that could be a criticism. I take the position that Justice O'Connor told us to separate these bills and in fact put them in place in an orderly fashion. The argument that we should have brought source protection in sooner would only have meant that we would have had to delay nutrient management, Bill 175 and the Safe Drinking Water Act.

The rationale, I suppose, is that you want source protection. We all want source protection, but I caution the members opposite with respect to source protection. This is a monumental task. It's a very large task and a very difficult task to manage source protection right across the entire province of Ontario. It will take time.

I've committed as best I can to see that a source protection bill comes into place by next spring. I hope members take me at my word, because that is as early as we could get it in, considering the situation we're faced with.

I understand the challenge that the members opposite are saying, "How long does it take?" I've got to tell you, it takes more than two years and it's not that simple a job. When you talk about source protection, you're talking about protection for the entire province—wellheads, streams etc, agriculture—all over the province and that cannot be done in a few short months. I would hasten to add that if it could have been done in a few short months, I would have expected that the governments previous to us would have done that. To be fair, you've got to understand that that couldn't be done in a few short months.

We are strongly committed, as you've heard time and again, to ensuring the people of Ontario have safe drinking water and that all of Justice O'Connor's recommendations are implemented. This is sweeping legislation that addresses several different aspects of the safe delivery of drinking water, and I'd like to take a moment to elaborate on a few.

There are seven parts to this bill, and I'll list them for those watching: (1) licensing and accreditation of laboratories; (2) standards, including an advisory council on standards; (3) certification and training of operators; (4) owner's licence for municipal water systems; (5) statutory standard of care for municipalities; (6) compliance and enforcement; and (7) the Minister of the Environment is the lead on safe drinking water. Ultimately the Ministry of the Environment is the lead. It says "minister"; it really isn't the minister. It's the Ministry of the Environment that's the lead on all water-related issues.

Let's talk about mandatory licensing and accreditation of labs that perform drinking water testing. We know full well that part of the problem in the Walkerton situation was that the lab had done the tests but hadn't broadly shared that information. The question became, how could that have happened? Obviously it was a situation that shouldn't have happened and needed to be corrected.

Now we're saying labs must have a licence to test drinking water. That's the first time. The lab must be accredited by the accreditation body. Licences will have an expiry date determined by regulation and these licences can be amended, suspended or revoked by the director. I'm working from memory, but I think licences will be for no more than five years. In the briefing with the two opposition members I attended, I think that was the year. If I'm wrong, I stand to be corrected, but I think it was no more than five years.

The Ministry of the Environment will have authority to inspect all labs performing drinking water tests. I'm not really sure who could be opposed to that. I look across the floor at my friends opposite, reasonable people all—most—and it would seem to me that no one would have any problem with that process of accreditation and licensing of laboratories and drinking water.

The second part is the requirement for all drinking water systems operators to be certified. There's no doubt—and I'm not trying to be partisan here, but it's going to sound partisan—that one of the fatal flaws that led to Walkerton, I think everyone would agree, reasonable people most, that probably the operators of the system in Walkerton shouldn't have been operating the system in Walkerton. Nobody through all administrations—the same brothers were operating the Walkerton system.

I look around and I know there are at least two ex-ministers of the environment here, Mr Bradley and myself. I know Ms Churley is very conscious of the environment. I don't think she held the portfolio for the NDP.

Ms Marilyn Churley (Toronto-Danforth): I was parliamentary assistant for a while.

Hon Mr Stockwell: She was the parliamentary assistant for the Ministry of the Environment, so she would know full well.

The problem was without doubt the Koebel brothers, who operated the Walkerton plant. I'm not trying to cast aspersions on either of these administrations but, clearly, when you grandfathered those people who operated those water plants from testing or from upgrading their skills, it was a very real slope to the problem. It was one of those things that created this issue and the deaths in Walkerton. Why? Because we withdrew the responsibility for those people who operate this system to be accredited, to be tested, to be brought up to speed on new technologies etc and, ultimately, by grandfathering them we took away all this ability we had to make sure that the people minding our water systems were doing a good job.

I know it sounds political, and it's not meant to be, but this was a problem, and that problem had nothing to do with this administration. These people were grandfathered in 1993. The last grandfathering took place right around the time Ms Churley was parliamentary assistant.

Ms Churley: Oh no, I was minister by then. I was Minister of Consumer Affairs.

Hon Mr Stockwell: OK, then it was the NDP government; I think she'd agree with that. It was the NDP government.

You know, in fairness to those administrations—and I want to be fair to the administrations of the NDP and the Liberals, when Mr Bradley was the environment minister—I honestly don't believe it ever crossed your minds that somebody would take water-testing samples and actually fraudulently submit incorrect samples of tests. Would it ever have crossed your minds that somebody would have done that when you were Minister of the Environment? Probably not. Would it ever have crossed your mind, I say to the member for St Catharines, that somebody would get a chlorinator for a pump or for a well and tell the people that they'd connected the chlorinator when they had actually never connected the chlorinator? I know it doesn't appear I'm getting a lot of attention from them, but I would say that it probably never would have crossed your minds. So it was a series of situations and issues that led to the Walkerton disaster.

I will also add that I know there's this push to the private sector, and I know my friend the member for St Catharines is vehemently opposed to seeing any public water utilities turned in any way, shape or form over to the private sector. But I caution my friend the member for St Catharines that we must remember—and I think this has somehow slipped through the cracks during this debate—Walkerton happened at a public utility employing public employees. This wasn't a private water operator. This was a public utility employing public employees. I don't know if they were unionized or not. I guess it really shouldn't matter, and it doesn't. But we should always be careful about what we're condemning the private sector for. I think we have to take a look at ourselves and the responsibility we have with respect to this horrendous situation in Walkerton and ask ourselves how we, as the government of Ontario, through all three administrations allowed this situation in Walkerton to continue, with a public utility, with public employees.

We also have a section with a requirement for all drinking water system operators to be certified, and this I think is very important. This is what I think would have caught the situation in Walkerton at best: no person shall operate a municipal drinking water system or a regulated non-municipal system without a valid operator's certificate.

We are reviewing the current training and certification requirements of drinking water operators under the Ontario Water Resources Act. Once they have been revised to support O'Connor's recommendation, they will be transferred to the Safe Drinking Water Act.

Here is a very important point. I want everyone to understand this and know this: grandparented operators must be certified within two years of a regulation being made. So I want to say to the members opposite that all those people you grandfathered—I don't know; is it "grandparented"? I don't want to be sexist or PC or whatever. All those people you grandfathered will now have to be certified in two years. That's going to be tough, I'm telling you right now. I look to my friends in rural Ontario—Haldimand-Norfolk is a good example, even the member who represents Gravenhurst and Huntsville and all those good ridings that way. There are a lot of operators up there who probably are not capable of writing a test and passing. It's not that they don't know their stuff; it's just been so long since they've performed written tests. So we're going to try and create a friendly test that can be done orally, visually, without being written, to ensure that as long as you have the capacity to understand what you're doing, we can certify you to operate the water filtration plants and so on around this province.

So it's going to be friendly, but it's going to be tough. If you're going to provide water to the people in your community, the people of your community should have a comfort level that you know what you're doing, and you're providing clean water. It's not just for them; it's for their children, their parents, grandparents and everyone. It seems amazing to me, and this is why, curiously, I

don't honestly think either party is going to vote against this bill, because it makes so much sense: why would the person who is providing water, that we know can kill you if put in the wrong hands, not be properly trained and certified?

1900

There will be a requirement for municipal water systems owners to meet all necessary conditions and obtain an owner's licence. All municipal owners of a water system must have a valid licence. That makes good sense. The licence involves a drinking water works permit, formerly a C of A; a permit to take water; an operational plan; a financial plan under another good bill that I think we brought in, Bill 175; and accredited operating authority. Directors may impose conditions, as well as revoke or suspend a licence. The Ministry of the Environment will issue licences and approve operational plans and permits to take water.

I will say this about it. I'm looking forward to some conversation with the municipalities on this one, because if I'm looking for amendments, it's here. Let me tell you why. I had a tough time putting this into the draft, because I thought to myself that municipalities are fairly sophisticated birds. It seems to me that if they can come up with a financial plan that really takes shape and shows a reasonable approach to providing water at cost, I don't know why we at the Ministry of the Environment would have to approve them all.

I look to the members opposite—the member for St Catharines is the critic, and the member for Toronto-Danforth—to see if they will have any advice in committee on amendments to that particular part of the bill. I'm not sure we need to be that prescriptive in the act. I put it in there, I thought it would be better that I put it in there, but if there's an idea you have that could be less prescriptive and allow the municipalities—I know municipalities. I sat on a municipal government and the two critics in either party sat on municipal governments as well. It seems to me that 99.999% of municipal governments are financially sound governments. We couldn't run debts. We couldn't run deficits. We never did. So I'm looking for some input from you with respect to that.

This will also strengthen compliance and enforcement provisions. Provincial officers can issue an order to any person for contravening the act. A director can issue orders to decommission or replace part of the system, appoint an interim operating authority or provide an alternative water supply. The minister can suspend a lab licence for up to 90 days or issue a directive to license labs on how tests should be carried out if public health is in danger.

Penalties for the most serious offences that result in drinking water health hazards are, and sit down for this: up to a \$4-million fine for individuals on first conviction and \$7 million for subsequent convictions—it seems steep, but it should be—a fine of up to \$6 million for corporations on first conviction and up to \$10 million for subsequent convictions.

New inspection powers include follow-up inspections for systems with deficiencies within one year and the

power for provincial officers to inspect places where drinking water tests are conducted. We will also create the new position of chief inspector.

Let me just revisit that. The numbers seem astronomical, I agree. The reason they are astronomical is that you're dealing with large corporations in some instances—for instance, the city of Toronto. You have to make the fine so significant and so real that it would have an impact on the city of Toronto, and a \$6-million to \$10-million fine, in my opinion, will catch their attention. I will also add this: you're talking about the cost of water, and it's kind of interesting. These are just musings off the top of my head, I suppose, but it seems to me the average water bill—and I look to the members from Toronto: Mr Kwinter, Mr Phillips and Ms Churley. I don't know what your water bill is, but it seems like it's about \$35 to \$40 a month, roughly. I think that's about what mine is. It seems funny to me that we pay \$35 to \$40 a month for water, and there's some kicking and fussing about whether it should or will cost more, but we think nothing of spending 100 bucks for satellite television that gets you 796 stations.

Mr Kormos: Who does that?

Hon Mr Stockwell: Lots of people do that, I say to Mr Kormos; lots and lots and lots of people do that. It seems to me that if we're going to provide clean, safe drinking water and it's going to cost, instead of \$38 to \$40, maybe \$45 or \$47, it would be far better for our constituents to know that for that extra \$4 or \$5 a month, their water is truly clean and safe. I think we have to examine whether or not the cost of providing that water is properly being covered and, if it isn't, maybe it should be. I think also—and this stands to reason in my opinion—if people start thinking about water in a conservation way, they may use less, and I don't think that's such a bad idea either.

I know about the water-taking stuff. They'll be allowed to take water. I know I had a bit of a brouhaha in estimates with the member for Toronto-Danforth about water-taking. We had a curious crossfire there. The next day, I do admit, she came back and changed her position.

Ms Churley: No, you misinterpreted it.

Hon Mr Stockwell: No, I never did misinterpret your position.

Ms Churley: Yes, you did.

Hon Mr Stockwell: I did not. I looked up Hansard; I did not.

I say to the member for Halton, Mr Chudleigh, who was at that committee—

Ms Churley: The Hansard is not out yet, Chris.

Hon Mr Stockwell: It's out from committee.

Mr Chudleigh, who was there from Halton, will I think back up my position about the water-taking at estimates, where the NDP suggested that she would put a moratorium on any new—

Ms Churley: Until?

Hon Mr Stockwell: Yes, a moratorium on any new water-taking testing or permits in Ontario if they were in the government.

Ms Churley: Until? You're doing it again, Chris.

Hon Mr Stockwell: Until when?

Ms Churley: Until source protection.

Hon Mr Stockwell: Right, until the source protection comes in.

Interjection: A couple of years?

Ms Churley: It shouldn't take that long.

Hon Mr Stockwell: That's right. It's going to take at least six months. So if you adopted that policy, you would be in the situation where farmers wouldn't be able to get water-taking permits to water their crops. But I will give her credit, she did come the next day and said, "OK, maybe that was a bit much. We'll have to analyze it a little more sophisticatedly than that." I do give her credit for coming back and reworking her policy position.

Ms Churley: That was a backhanded compliment.

Hon Mr Stockwell: That was an absolutely backhanded compliment, no doubt about it.

Statutory standard of care: the statutory standard of care is causing some municipalities a little concern. We will hold municipalities with oversight functions to a statutory standard of care. Now, listen carefully. I know AMO is out there asking about this one, but I want it to be clear. Municipal owners—and those are the municipalities that own the water plants, as most already do—must exercise a level of care, diligence and skill and act honestly, competently and with integrity to ensure the protection of safety of the users of their systems. A standard of care extends to directors and officers of the corporation and applies to those who exercise decision-making authority over a municipal system. Under the proposed act, we will establish a standards advisory council and provide authority to set standards for drinking-water treatment and distribution.

Why do we have that? Well, the other problem in the situation with respect to Walkerton is that there were fraudulently filed reports. I've said this before and I'll say it again: I'm not really sure the Ministry of the Environment could ever hire enough inspectors who could stand over every single report written in Ontario and make sure they wrote down the right number. I think everyone would agree you could never hire enough inspectors. So we put the standard of care in there because you have to check on your employees and ensure that your employees are actually doing what they're telling you they're doing.

You've got to go in there and test and do surprise visits to know that if they're actually writing out that 0.4 is the level of whatever, they're not writing 0.2 when it's actually 0.4. That really comes down to standard of care. This isn't out there to shock municipalities into fear—it's not. It's doing what it's supposed to be doing. It's holding them to a level of care, honesty, competence and integrity to ensure the protection of the supply of water.

Now, mistakes happen, but after the Safe Drinking Water Act, with the checks and balances we've put in place, the mistakes should be caught. But I think the members opposite would agree, you have to know that when someone submits a report that says they've tested

the water and here are the results, they haven't made it up. And that happened: they just made it up, which is frightening.

In a lot of ways it's kind of scary that you put this into a bill, because in all my years of dealing with the municipal civil servants I knew, I can't imagine any of them ever just making stuff up and putting people's lives at risk when they make it up. So that's the statutory standard of care and it's a sad day when that's what you have to put in the law. You know what it comes down to? You could re-title this part of the bill so that it says, "You can't make stuff up." That's really what this statutory standard of care is, the "you can't make stuff up" part of the bill. It's in there because, frighteningly, seven people died because public employees in Walkerton made stuff up. I think that should be a sobering and chilling thought to anyone who sits in this place.

1910

Miscellaneous—as always, there's a miscellaneous part of this bill. My friend from St Catharines left. My friend from St Catharines always says this is where all the hostages are held in all normal bills: the miscellaneous part. I will assure you, members opposite, there are no hostages in this bill. I will assure you there are no surprises. I will assure you as I speak today, this is what the bill does, and I will assure you, the briefing the ministry gave to both members a couple of days ago, all those positions and issues we brought forward were part of the bill and there are no hostages in this bill.

Miscellaneous: we will amend section 62 of the Health Protection and Promotion Act to address vacancies in the position of medical officer of health. Under the proposed act, the government will also be requiring to submit to the Legislature an annual "State of Ontario's Drinking Water" report.

With the adoption of this act and the regulations that will be input, we will no longer need regulation 459. So 459 will actually come out, and the new one we'll put in is more of a risk-management aversion approach to water.

This government will continue to be accountable for all promises and this report will provide a benchmark for doing that.

The proposed Safe Drinking Water Act has benefited from the ideas and comments put forward by stakeholders and members of the public alike. In addition to the extensive public process Commissioner O'Connor undertook through the Walkerton inquiry, this government has consulted broadly on technical details of the act. Further consultations will be held through upcoming legislative hearings and stakeholder meetings. I've met with a lot of stakeholders—what does "stakeholders" mean? I've met with a lot of people from various parts of the province who are interested in this bill.

The public is also encouraged to provide their comments through the Environmental Bill of Rights registry posting.

Safe drinking water remains a top priority of this government. We are committed to ensuring that Ontario

has, and enforces, the best and toughest clean water policies in the world.

On a quieter note, I suppose, I want to also say there has been a lot of talk—and I remember very clearly in this House a couple of years ago when this story broke. At the time, there were a lot of allegations and charges—probably unreasonable allegations—made by some members of this House. Let me say very clearly, this could have happened to any one of the past administrations if they were in office. Case closed, end of discussion. It could have happened to any one of them. I know the members opposite are going to say no and they're going to make allegations about reductions and environmental cuts and so on.

Ms Churley: Justice O'Connor made those, not us.

Hon Mr Stockwell: I will tell you, the Koebel brothers were operating the filtration plant during our administration, during the NDP administration and during the Liberal administration. They were fraudulently fabricating numbers during our stop, during their stop and during the Liberals' stop and, to be fair, no one caught them. Nobody caught them. I appreciate the fact that this is strong language.

Ms Churley: Let me remind you of the report.

Hon Mr Stockwell: To the member from Toronto-Danforth, I think Justice O'Connor has done a wonderful job with those reports—

Ms Churley: He talked about more than just—

Hon Mr Stockwell: Can I just finish my thought? You're going to get to speak. I'd like to finish my thought. I appreciate the fact that this is very troubling for you, and I know it's troubling because it's difficult, but the fact is, any balanced individual who looks at this and any balanced municipal leader I spoke to has come to the same conclusion. The fact is simply this: we just believed that water was safe. We just believed the water that came out of our tap was safe drinking water, and we became lax.

People were operating water filtration plants. I know it frustrates the members opposite, but the reality is this, I say to the member for Toronto-Danforth: you and your administration grandfathered the Koebel brothers. I know she doesn't want to listen, but it's true. Your administration grandfathered the Koebel brothers. You gave them a permanent ability to operate incompetently in this system. I'm not blaming; I'm saying this is just how we managed our water system for the last 30 years. There was this belief that it was always going to be clean.

Are we blameless as a government? No. We're not blameless either, I say to the members opposite. Certainly there are some things we could have done and should have done and didn't. We should have done things and we didn't do them. But to be fair, in a non-partisan way, as long as these guys were operating in Walkerton, this could have happened to any one of us, and just by the grace of God it didn't, to the point that inspectors would go to Walkerton, provide the equipment and were told this equipment was hooked up when it was never hooked up. It's really difficult to comprehend, I know, but that is the fact. It was never hooked up. They

would say they hooked up a chlorinator and never do it. They would say they did tests they never did. They would take tests and make them up, and they'd been doing it for 15 years. And that's why we need a Safe Drinking Water Act.

Could we have had a better approach? Yes. We should have had the private lab distribute those results more broadly, no doubt about it. No doubt about it. I'm not saying we shouldn't have, but ultimately, you know what it came down to—and I look to the members opposite. You believed your local municipality that was running your water system basically didn't make things up, that they actually did the tests. You believed that; I believed it. If you told me that at the city of Toronto they don't actually do the tests, they just make them up, I'd laugh at you. If anyone had told me that about a water plant anywhere around this province, I would have said, "You're out of your mind. You're telling me they don't do them, they just make them up? They tell you they hooked up chlorinators and they never did?" Nobody thought that. Nobody. There was no inspector before that I know of, in any administration, who would actually have said, "OK, did you hook the chlorinator up, sir?" and when he said yes, they'd actually go out to the wellhead and look to see if they hooked the chlorinator up. We never did those inspections, nor did you. That's how frightening this situation was.

We're investing more than half a billion dollars in the next two years on clean, safe drinking water for the people of Ontario. This year alone, we are providing \$245 million, including investments to help municipalities upgrade and make improvements to their water systems to meet our tough new standards.

The proposed Safe Drinking Water Act is an environmental milestone for this province. I will say—and this is my opinion. I think others have said it; I know people in the ministry staff have said it: this is the toughest legislation in the world for safe drinking water—not Canada and not North America; it's the toughest legislation in the world. I was reading today—and I guess I don't have the quotes, but I think I read comments from British Columbia about the fact that the legislation introduced in Ontario is the toughest and best safe water legislation in the world, it was conceded. By passing it, we will make Ontario a world leader in drinking water protection and preservation.

Finally, just a note of caution, I say to the members opposite and to the member from St Catharines, who asked this in the briefing—you can operate a water filtration plant and privatize it.

Here's the quote, and this is a good one. It's from Broadcast News, from Keith Martin, an Alliance medical doctor: "A Vancouver Island MP is calling for national drinking water standards, based on the findings of the Walkerton inquiry. Alliance MP Keith Martin, a medical doctor, calls the Ontario report a useful document. He says the Ontario government took a leadership role by adopting its recommendations."

I say, yes, you can still go through the privatization route if you own the water filtration plant as a muni-

cipality, but you can't fob off your responsibilities. You still have the responsibility of assuring the water is safe. You can privatize it, contract it out, but the question will be, I suggest—and we suggest it will happen—that you better pay people on staff to insure that they're following those rules, because you can't give up your liability simply because you privatize it.

At the end, I'm just going to say in closing—I know I have three members who want to jump in—that we're proud of this bill. I am very proud of this government and the way they've handled this situation since that terrible tragedy in Walkerton. I've been to Walkerton, where we're building the centre for excellence, and I've talked to the people of Walkerton. I'm very proud of the fact that the local MPP, Bill Murdoch, has I think done an outstanding job in dealing with the issues in Walkerton and the people of his county.

I honestly believe that after review and debate—and I want healthy debate. I want to have committee time on this. I don't think it's a partisan issue. But I can't honestly believe that the opposition will vote against this bill. I think this is a great bill. The biggest complaint I can see from you is that it doesn't include source protection. I've said source protection will come in the spring. I would hate to think that an opposition party would vote against what I think is a really constructive and good piece of legislation because it didn't have some component that it wanted to see in there that they knew they were going to get in the spring.

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I will challenge you at committee and I will challenge you in this House: if you find flaws as we debate the bill, tell me, because I want to hear it. I didn't draft this bill in a partisan way. I want to hear the flaws, and if we can fix them, we can.

Today there is a working group: Mr Murdoch is working with AMO to determine whether or not there are flaws in the regulations, to help draft the regulations to make sure they do what we think they should do.

So in closing, I'm going to be interested in hearing comments. I'll be interested in hearing your positions. But I want to also tip my hat to the Ministry of the Environment. It's been a ministry that has been bombarded and besieged in the last couple of years, probably a ministry that has had its fair share of debates and publicity. It's a heroic group of people who have stood up well to the constant demands of the people of this province and the newspapers and the politicians, and the opposition. I might add, as well. Some days we say things in here that I don't think we mean, and some days we've said some terrible things about the ministry staff that probably in hindsight we didn't believe. I think they have come a long way in the last two years and I'd also like to thank them as well.

I look forward to further debate, and I appreciate the chance to listen and hear your concerns.

The Speaker: Further debate?

Mr Toby Barrett (Haldimand-Norfolk-Brant): I'm pleased to contribute to this debate on the Safe Drinking

Water Act, introduced very recently, October 29, by our Minister of the Environment. I think members are aware this proposed bill follows closely the recommendations of part two of Justice O'Connor's report. Premier Eves and our government are committed to act on these two reports, and I want to reiterate that all of the recommendations in them will be followed.

When Commissioner O'Connor's report was issued last May, our Minister of the Environment stated that the commissioner "offered his recommendations with one eye on Walkerton and one eye on the future, reflecting the balance that you would expect from someone skilled with the scales of justice."

It was encouraging to see that even as the report clearly called for change—and I point this out to the member opposite—it avoided condemnation. I'll quote Justice O'Connor: "My recommendations should not be viewed as a criticism of Ontario's current water quality standards. The current standards were established with great concern for the safety of the province's drinking water."

It is with this eye on the future that one of the prevailing themes evident in both parts one and two of the report has emerged in the proposed act: the theme of education and continuous learning. It's within this context that I will focus my comments with respect to mandatory training and certification requirements of operators of drinking water systems.

To start off on a positive note, I would like to refer all members' attention to some of the media coverage that our proposed legislation has received. I make reference to the *Globe and Mail*: Mr Bruce Davidson, vice-chair of the Concerned Walkerton Citizens Group, "praised the legislation that was introduced yesterday for 'ensuring that the people working in the water facilities are well trained' and for requiring that 'equipment has to be maintained and the appropriate equipment has to be in use.' A lack of training and lack of functioning equipment were among the causes of the Walkerton tragedy."

It is heartening to hear such encouraging words from people from Walkerton. Knowledgeable and capable operators are an essential element of safe drinking water, and this has been ably pointed out by our minister this evening. In both part one and part two, Commissioner O'Connor made several recommendations related to improving the quality and accessibility of training, as well as strengthening the licensing requirements for operators of municipal water works.

In part two, the recommendations state: "The Ministry of the Environment should continue to require the mandatory certification of persons who perform operational work in water treatment and distribution facilities." That's recommendation 59.

To continue, "The Ministry of the Environment should require water system operators who currently hold certificates obtained through the grandparenting process to become certified through examination within two years, and it should require operators to be recertified periodically" This is found in recommendation 60 and was addressed earlier by our minister.

To continue, "The Ministry of the Environment should require all applicants for an operator's license at the entry level to complete a training course that has a specific curriculum to ensure a basic minimum knowledge of principles in relevant subject areas," and I quote this from recommendation 61.

"The Ministry of the Environment should develop a comprehensive training curriculum for operators and should consolidate the current annual training requirement in Ontario regulation 435/93 and the proposed requirement of ministry-approved training into a single, integrated program approved by the Ministry of the Environment." This is recommendation 62.

If you'll bear with me, I'll also refer to recommendation 63: "The Ministry of the Environment should take measures to ensure that training courses are accessible to operators in small and remote communities and that the courses are tailored to meet the needs of the operators of these water systems." We all recognize that many of the water systems in rural areas do not need the kind of scrutiny and close approach that we're seeing in large urban areas.

"The Ministry of the Environment should meet with stakeholders to evaluate existing training courses and to determine the long-term training requirements of the waterworks industry. The ministry should play an active role in ensuring the availability of an array of courses on the subjects required to train operators." Again, this is from recommendation 64.

Operator training and certification ensures that municipal water system operators have the qualifications they need to perform their job and help protect the safety of drinking water in our province. It is this training that will really allow us to move from recommendation to reality.

The proposed act requires that all operators must have a valid operator's certificate in order to operate a drinking water system. This also includes all grandparented operators, who must be certified within two years of the regulations being made.

The regulations that would be made under this proposed act would recognize that there is really no substitute for education, examination and experience. All three are essential components of continuing to ensure competence in the system.

Those individuals who either own or operate a drinking water system will be required to conduct a training needs assessment of its operators and ensure that these operators have the skills they need to effectively carry out their responsibilities.

In the interests of clarity and to ensure that all operators understand what is expected of them, we are reviewing the current training and certification requirements for municipal drinking water operators. These are requirements found in the Ontario Water Resources Act, regulation 435/93, with the goal of making changes that will support Justice O'Connor's recommendations. Then the ministry would transfer them to a new regulation under the proposed Safe Drinking Water Act.

For example, the regulation would at a minimum require that all entry-level applicants successfully com-

plete a training course to demonstrate a basic knowledge of water treatment and distribution principles, as well as the public health risk of contaminated water.

We have hired Georgian College to do a survey of current water treatment facility operators. This will provide us with more detail on essentially what is needed to certify these operators. We will hold meetings with knowledgeable stakeholders to discuss training and certification of operators, as well as the development of new curriculum that will provide operators with the latest information on developing the skills they need to meet these new requirements.

I should also mention that in response to Justice O'Connor's part one report, over the summer the Ministry of the Environment conducted a rigorous selection process in an effort to hire new staff. To date, the MOE has brought in 51 new drinking water inspectors and has hired 10 new supervisors.

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Our commitment to bringing these people on indicates just how seriously the government is in dealing with safe drinking water.

Hand in hand with training and certification, operators of municipal waterworks need data and they need information in order to make knowledgeable and informed decisions.

The government will deliver on its budget commitment to establish the \$50-million Clean Water Legacy Trust and the Clean Water Centre of Excellence to be located in Walkerton, again to provide access to the best scientific knowledge, research and technology and training in the management and monitoring of our safe drinking water.

Hand in hand with training and certification, operators of municipal waterworks need data and they need information in order to make knowledgeable and informed decisions.

A little closer to my part of Ontario, \$365,500 was invested in the Norfolk county area, an agricultural area located on the Norfolk sand plain. The Norfolk study will produce information about groundwater at both the local and regional level. Regionally, the study will map sensitive groundwater areas, inventory potential sources of contamination and survey how groundwater is used within seven of the area's watersheds. At the local level, this Norfolk study will identify wellhead protection areas around municipal wells and potential contaminants. The information generated from this study will help the county, the conservation authority and other partners to better deal with some of these issues.

So there's a considerable amount of money presently being invested in studies to map sensitive groundwater areas, aquifers, to survey how groundwater is used and to identify wellhead protection areas around municipal wells. Again, the information generated by these studies clearly will help communities develop local source protection measures.

I've made my several points, and I would now like to turn this over to the member next door.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): First of all, to people who might still have televisions on at home, who might be just about in the middle of trick-or-treating, I'm sure mothers and fathers at home keeping an eye on the safety of the children as they open the doors, I wish them a happy Halloween. I just want to assure them that their tax dollars are hard at work at Queen's Park, as are all of us, from each side. Members from every party are here.

Mr Kormos: There're only four over there.

Mr Gill: Yes, there are more here. Naturally we have more numbers because we were given that mandate, and there are many more things to be done for the next five years, as we all agree.

It is a pleasure this evening to be discussing and debating a very important bill, and that bill is our commitment to provide Ontarians the safest drinking water in the world. Now, that's a tall order. I know we're up to the job and will come through, as we have always come through, with our promises. So I am pleased.

I remind the viewers at home that we are today talking about the Safe Drinking Water Act, which was introduced a couple of days ago, on October 29.

As members are aware, part two of the Report of the Walkerton Inquiry was released last May. Judge O'Connor made 93 recommendations on how the province could ensure the safe delivery of drinking water, including a recommendation specifically addressing the need for the province to create a Safe Drinking Water Act.

In those recommendations, in recommendation 67 to be specific, Commissioner O'Connor stated, "The provincial government should enact a Safe Drinking Water Act to deal with matters related to the treatment and distribution of drinking water."

As the members know, this government is committed to implementing all the recommendations made by Commissioner O'Connor. Premier Eves has been very forthright, and as soon as the report came out, he agreed that we would be implementing all the recommendations. This includes the passage of the excellent piece of legislation introduced by the Minister of the Environment, the Honourable Chris Stockwell. He just finished speaking very passionately about this bill because he, as well as all of us, is committed to providing the safest drinking water in the world to our constituents and the people of Ontario.

The proposed bill includes a number of significant new components that will ensure the protection of drinking water in Ontario. As you know, when the bill was introduced the other day, the opposition mentioned that it doesn't do much about the wellheads and incoming water supplies. As the minister said very clearly, he is working on that and will have something forthcoming in early spring, I believe he said, so stay tuned. We want to make sure that, once again, we do the right thing.

During this debate, I will try and focus my comments on the new requirements for the licensing and accredita-

tion of drinking water labs. An editorial in The Toronto Star earlier this week said, "There's a lot to like in the Ontario government's proposed Safe Drinking Water Act." That's the Toronto Star. Many times they're not very complimentary, for some strange reason; we just have to accept that as their editorial style. But in this case they've already said, "There's a lot to like in the Ontario government's proposed Safe Drinking Water Act. On the positive side, the act would force testing labs to be accredited and all operators of water systems to be licensed." Those words are positive. It is true that lab licensing and accreditation will play a significant role in the protection of our drinking water.

In part two of his report, Commissioner O'Connor made the following observations regarding Ontario's drinking water labs. I'm going to be quoting right from Commissioner O'Connor's substantial and important report:

"Environmental laboratories conduct a wide variety of tests for water providers, including chemical, physical, and microbiological tests of raw, treated and distributed water. Depending on the size and complexity of its system, a water provider might have anywhere from dozens to thousands of water tests conducted on a weekly basis....

"Laboratory testing plays a critical role in determining whether contaminants are present in the system.... The prompt and reliable reporting of test results by laboratories is especially important ... when dangerous contaminants have entered the distribution system."

From these observations, Commissioner O'Connor made three specific recommendations.

First, "The provincial government should phase in the mandatory accreditation of laboratories for all testing parameters, and all drinking water testing should be performed only by accredited facilities." If people at home want to check it out, it's recommendation 41.

Second, "The Ministry of the Environment should license and periodically inspect, as required, environmental laboratories that offer drinking water testing; as with water treatment operations, continuing accreditation should be a condition of license." Specifically, that is recommendation 42.

Third, "The results of laboratory accreditation audits should be provided to the Ministry of the Environment and should be publicly available." This is recommendation 43. This is so the people at home, through the Internet, can check the accreditation and see if the labs are still meeting what they are supposed to be meeting.

If passed, the proposed Safe Drinking Water Act will require all labs that test drinking water to be licensed by the Ministry of the Environment and accredited by a designated accreditation agency on behalf of the Ministry of the Environment. Only accredited testing methods implemented through Ministry regulations will be used and accepted. No other jurisdiction in Canada requires mandatory licensing and accreditation for labs. This is a first in terms of having accreditation in Ontario. Any and every lab has to be accredited.

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There are also several conditions associated with obtaining these licences. These conditions are grounded in the principles of openness and accountability. This will help ensure the viability of the labs being accredited. For example, standard provisions of a Ministry of the Environment licence would include an expiry date with a specified renewal period to be defined by regulation and the ability on the part of the Ministry of the Environment to suspend or revoke a licence. It's not an open-ended licence. It is reviewed from time to time and can be revoked. And it should be revoked if labs are not meeting the standards. In addition, there will be offence provisions and an appeal process through the environmental review tribunal.

In deciding whether to issue or renew a licence, ministry officials will consider the following critical factors, which do not preclude any other grounds that may be prescribed by regulation in the future:

Is the lab able to meet notification and reporting requirements?

If this is an existing lab, has the lab operated in a competent manner, in accordance with the act and regulations?

If this is a new lab, ministry officials will make a similar assessment regarding its perceived competencies.

Does the lab have appropriate staff, resources, suitable premises and equipment?

Does the lab have the necessary record management capacity?

Last, but certainly not least, will the lab operate with honesty and integrity?

You can have all the rules and regulations in the world, but if people are not following those rules and regulations, I think we have a different problem, which is what happened, as I understand it, in the case of the Koebel brothers in Walkerton. They knew what had to be done, but they had not been doing that for I don't know how many years. As Minister Stockwell said, they had been doing the same thing when the Liberals and the NDP were there, and they certainly were doing the same thing when we were there, and they got caught.

The people of Ontario must have confidence that the answer to each of these questions is yes. The proposed Safe Drinking Water Act is designed to provide this confidence.

Once a licence has been obtained by a drinking water lab, the principle of ongoing accountability continues to be an important condition. The Ministry of the Environment will have the authority to inspect all labs performing drinking water tests. The ministry may also amend, revoke or renew a licence on the same grounds as set out for issuing a licence and based on the results of any inspections or audits.

The following scenario briefly outlines the conditions attached to every licence; they do not include other conditions that may be prescribed by regulation:

The lab shall only conduct drinking water tests for which it has been accredited by the designated agency.

The lab shall take all reasonable steps to keep its accreditation in good standing, including the payment of any fees for the accreditation program as the designated agency may require from time to time, and the lab shall submit to any audit by the designated accrediting agency.

In the spirit of openness, the results of lab audits will be provided to the Ministry of the Environment and will be made public. These labs must not only be doing the right thing, but must be seen as doing the right thing. False or misleading information regarding drinking water tests will be an offence. There will be zero tolerance for infractions.

As identified earlier, the Minister of the Environment may designate provincial officers with the power to inspect labs. As you are no doubt aware, we have already hired inspectors to carry out this very important function—51 inspectors, to be exact.

The powers of provincial officers to inspect labs are consistent with existing powers under the Environmental Protection Act and the Ontario Water Resources Act. In addition, offence provisions are also consistent with these two acts.

The proposed licensing and accreditation of drinking water labs sets high standards and expectations on those who will perform drinking water tests. We will expect those standards to be honoured consistently and 100% of the time. There is no margin for error. The public's trust and safety is at stake.

I would urge all members first of all to familiarize themselves with Bill 195. It is a hefty piece of legislation. A lot of care and thought has gone into it. It is in compliance and trying to meet all the requirements Justice O'Connor mentioned in both parts of his report on Walkerton.

It is important to have labs that, first of all, know what they're doing, and that have the personnel who know what they're doing and the tools. They must be accredited and they must keep their licence ongoing and active.

I urge all members of this House to have a speedy approval process of this bill. A lot of times when everybody agrees, we still want hours and hours of debate, and then they wonder why there is closure. Eventually one says that enough has been said. Justice O'Connor has said we must do the right thing. It's all spelled out. The bill is pretty clear about what has to be done. Let's do the right thing.

Once again, Mr Speaker, I wish you and everybody at home a happy Halloween.

The Speaker: Thank you. Questions and comments?

Mr James J. Bradley (St Catharines): One of the questions I have, and perhaps the parliamentary assistant can assist me with this: there is the top person who will be the head of water or the water commissioner, shall we call that person. I'm wondering if someone on the government side can explain to whom that person will report.

For instance, if that person were to report only to the Minister of the Environment, I think it would be much

less advantageous than if that person were to report instead to the Legislative Assembly. If you had an Environmental Commissioner who reported only to the government or only to the Minister of the Environment, that would be much less advantageous than his having a public forum, as he does now—he can report from time to time, have a press conference and be asked about these things. I was asked about that by someone and really don't know, and I'm wondering who the person reports to.

Second, some of the appointments I see here, in terms of advisory committees, are not order-in-council appointments; they're made, in this case, by the minister himself. I would think it might be better, if we look at it in perspective, to have order-in-council appointments, because those people have to go through the review process of the standing committee on government agencies. At that time, those people could be questioned by both members of the opposition and members of the government. Their resumés are put before us, and we get a better idea of the people who are going to be part of what I think is going to be a very important committee; that is, an advisory committee.

I don't see in this bill the kind of hostages you see in some government bills, the kind of item that would automatically make you oppose the bill. I want to commend that, but I do see some deficiencies that I'll discuss a little later on when I have an opportunity to speak at length.

Mr Kormos: In short order or, more precisely, in an hour and around eight minutes, Ms Churley, the member from Toronto-Danforth, is going to be speaking of the New Democratic Party with respect to this bill after Mr Bradley does the leadoff for his caucus. But I reflect on the comments made by the minister. During the course of his comments, the minister was prevailing upon people in this chamber: "Let's not be partisan about this." Yet during the course of his speech, which was in no small way textured, crafted, a speech clearly designed not to be listened to but read when it's published, and a speech, I put to you, very strategically—at least that's the government's limited capacity to be strategic—made in the absence of the press gallery, a speech that was very clearly very partisan and a naive attempt to somehow prevail upon opposition members, "Oh, let's not be partisan."

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The fact of the matter is that nobody died drinking water in this province under either of the two governments that preceded this Conservative government of Mike Harris in 1995. The fact of the matter is that this matter can't be swept under the rug by pointing the finger solely at the Koebel brothers.

Ms Churley had a safe drinking water act before. This also received second reading, with support from all three parties—September 28—not 2001; September 28, 2000. It was an act that quite frankly was far more comprehensive than the legislation that this government, with some great nerve, puts before the Legislature today, so long after the fact.

I call upon people to consider the minister's comments very, very carefully and to regard them in the partisan style that in fact they were intended.

The Speaker: Further questions and comments?

Mr Bart Maves (Niagara Falls): I want to compliment the minister on his opening remarks as well as the members from Haldimand-Norfolk-Brant and Bramalea-Gore-Malton-Springdale for their remarks.

It's an excellent bill. I know that the members opposite, at the end of the day, will vote in favour of the bill. As the minister said, we will have a lot of healthy debate. The minister has said that he looks forward to the input he will receive in debate and in public hearings, I believe, and the amendments that may come forward from all members of the Legislature on the bill.

I want to commend the minister. I know that he's worked extremely hard on this for the last little while, and he's had difficult grillings even from his own caucus members. He has come forward with an excellent bill.

His speech was also a terrific leadoff, and I think that most people will have a look at what he said. I think most people are aware of what happened at Walkerton. Not very many people have said what the minister said tonight, but I think a lot of people feel that way from what they read in the papers about the Walkerton incident.

Before I sit down, while I am not the PA, I do know some answers to the member from St Catharines' question. The member asked about the chief inspector. I just wanted him to know that indeed the chief inspector reports to the minister, but it is my understanding that report will be a public report in the years to come. Also, he should be reminded that under this proposed act, the government is required to submit to the Legislature an annual State of Ontario's Drinking Water report. I hope that clarifies that and will answer that concern.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I had the opportunity to be in my office and listen very carefully to the opening remarks by the minister, the parliamentary assistant and the member from Bramalea-Gore-Malton-Springdale. I was listening very carefully because I had the opportunity to speak with a water system manager from my riding this week, who was actually in this city being briefed on the contents of the bill. It was during that conversation with the water manager that he indicated to me—I asked initially what I should be looking for as a local member, what things would be important to a water manager to understand within the body of the legislation so he could do his job well in the community in my riding. The point he made to me and, I have to say very sadly, something I didn't hear in any of the opening remarks was the role, the commitment and the support the provincial government was going to have to ensure that communities did have safe drinking water.

In fact, the government is really quite silent in this bill in terms of what they are prepared to do to ensure that communities of all sizes, in all locations across Ontario, have access to safe drinking water.

I'm certainly encouraged to understand from the members who spoke this evening that the minister is inclined to listen very carefully during the course of debates on this important issue. I hope the minister understands that a lot of people in Ontario—I believe the minister will hear this if there are public consultations on it—want to know how the province is prepared to support communities to ensure we have safe drinking water in Ontario.

The Speaker: Response?

Mr Gill: First of all, I want to take this opportunity to thank every member—

Mr O'Toole: The member for Durham.

Mr Gill: —who spoke. I know the member for Durham did listen to my comments as well, and he did compliment me as soon as he came back into the House.

The member for St Catharines spoke. I want to thank the member because he commended the government for coming forward with such a great bill. He agreed and said there were no so-called hostages in this bill and no wedge issues; that everybody agrees it's a good bill and we must proceed with it quickly.

The member from Haldimand-Norfolk also spoke on this bill.

The minister certainly had a great leadoff and tried to cover all the angles to make sure that Ontarians have the best drinking water in the world.

The member for Niagara Centre spoke right after the member for St Catharines. The member for St Catharines commended the government; the member for Niagara Centre said it's a partisan thing. I'm not sure, but maybe he wasn't listening at that time, because it certainly is not partisan. It's just a good bill for the people of Ontario.

The member for Hastings-Frontenac-Lennox and Addington said she spoke to the water manager from her municipality. That is a good thing, because in the past we took things for granted and said, "Ontario water is safe." I don't think we ever sat down with the municipalities or the water managers to see what their concerns were, we just took things for granted.

I'm quite happy that with the proposed Bill 195 we are moving ahead in implementing Justice O'Connor's recommendations for the safest drinking water in the world right here in Ontario.

The Speaker: Further debate?

Mr Bradley: I was somewhat amused by listening to revisionist history this evening. My good friend the Minister of the Environment portrayed himself as non-partisan and then delivered essentially a partisan message. The reason you know that is, I have friends in the Conservative party and I know when they speak, they're speaking from the Tory notes that come out. They even send them out from time to time, so you know what the speaking notes are. You, as Speaker, wouldn't get them because you're non-partisan. In fact, you have a petition out in your constituency office which condemns the government for allowing those astounding increases in hydro rates.

I want to go back to why we are here this evening with this bill. I want to say again—and I think certainly the

critic from the New Democratic Party would agree with me, and even, in their heart of hearts, many members of the government—had it not been for the Walkerton tragedy, we would not have this bill in this form before us this evening. Since Walkerton, a lot of what you see happening with this government they never in their wildest dreams had any intention of doing and, to this day, in their heart of hearts, still don't want to do. I think you have to remember that.

This government has some strengths. I don't consider this a particular strength, but if you're in favour of downsizing government, if you're in favour of characterizing government as an evil force, if you're interested in giving tax cuts to the wealthiest people in the province, then you would say that's what this government is about, and if you wanted to give them credit for that, you would do so. But when it comes to the environment, virtually everything they have done has been as a result of being dragged kicking and screaming into it, forced into it by a public that is sensitive to the environment.

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I note that in the most recent poll available, the Green Party now registers some 6%, and about 8%, someone told me the other day, in the greater Toronto area. Plus, the opposition parties combined are substantially ahead of the government. What that indicates in this snapshot—because that's what polls are, a snapshot—is that there's a lot of concern about the environment.

I would have felt more comfortable—and I don't say this simply because she is here tonight—in terms of the defence of the environment if the Deputy Premier, now the Minister of Education, had been permitted to retain that role. She and I would have some disagreements, but I genuinely felt there would be somebody there to defend the environment.

If I can go to the Kyoto accord, for instance, the question I asked the other day is, who is speaking for the environment in the government? You expect that the Minister of Finance has a certain view on environmental issues, and that the minister of economic development or whatever the new name is—enterprise and innovation and things of that nature—and even the Minister of Energy—our former minister, Mr Stockwell, unfortunately was both—are going to take perhaps a view that isn't very sympathetic to the environment, but you hope that the Minister of the Environment is going to be the one with sharp elbows, persuasive arguments and a genuine commitment to putting forward the environmental view in the government.

Instead, what I witnessed at the federal-provincial conference was our Minister of the Environment being the anti-minister of the environment, aligning himself, along with the Premier of this province, with Ralph Klein and with the Minister of the Environment of Alberta. Again, if you want to ask has Mr Klein been successful in economic terms in the province, particularly with all the oil in the ground, the answer is probably yes. On environmental issues, would objective people across the country look to Alberta for leadership? The answer I

think clearly would be no. There are many areas in which they might say there has been progress and there has been something to applaud. One area you would not say is the environment, and yet I saw Premier Eves, almost arm in arm with Premier Klein, denouncing the Kyoto accord, and that's a different role. Mr Speaker, you've been in the House I think since 1990. That's a different role than Ontario has played in years gone by and a somewhat disappointing role as far as I'm concerned.

I want to go back to why this bill is before us. Is it before us because the government promised it somewhere along the line? No, it is not. Is it before us because the government wants to bring this legislation forward? It is not. It is a direct result of the tragedy of Walkerton, where for the first time in the history of Ontario, seven people died from drinking the water and well over 1,000 people were seriously ill, some of whom will be seriously for years to come as a result of the consumption of locally produced water.

It was the contention of the government—and I've heard this before. As I say, you hear it in the government talking points when you speak to your Conservative friends. They would like to portray it as these two local yokels who were not very good, to say the least, at operating a water system. More objective observers, including Justice O'Connor if you read his report carefully, rejected that contention. Yes, we recognize that they played a role. He said, however, that you cannot simply pin the blame on these two individuals and say there were not other causes.

I think it goes back to a fundamental decision made by this government. I don't want to put words in the mouth of the Speaker or others, but I well recall three, four or perhaps five members of the Conservative caucus, including the present Minister of the Environment, who cautioned, before the Common Sense Revolution was announced and immediately after the government came into office, not to proceed with tax cuts before the budget was balanced. I thought that was sage advice.

If people had said, "You have to address the fiscal problems of the province," most people would have agreed with that. What happened, however, was that not only did the government make massive cuts to many ministries, including the Ministry of the Environment, but at the same time it was invoking tax cuts, which meant they had to make even deeper cuts in those ministries.

They would have been wise to listen to what I recall was your counsel, Mr Speaker, that of my good friend Ted Arnott, my friend Chris Stockwell and I think maybe Morley Kells, a couple of others anyway, who said, "Please think about this carefully." If I'm correct, even during the leadership campaign I thought I heard the Minister of the Environment, when he was running, say, "You know something, folks? You've got to get things in order. You can't go out and make tax cuts until you have your budget balanced and you've got things in order." I think that would have been wise advice.

But what happened instead was that the government engaged in massive cuts to ministries, and one of the real

targets was the Ministry of the Environment. Why was that? Well, there's a considerable number of people in the government caucus who don't like the Ministry of the Environment and certainly didn't like it during the years that the New Democrats were in power, the Liberals were in power and perhaps even the Davis Conservatives. Why? Because the government was aggressively chasing polluters and was being tough on environmental issues. So the nod and the wink and the elbowing of people was saying, "Don't worry. We'll get the Ministry of the Environment out of your face"—a promise made, a promise kept. They sure as heck got the Ministry of the Environment out of the faces of a lot of polluters and proceeded to virtually dismantle that ministry.

Why I am personally saddened by that is that I recall my many discussions with the Treasurer of the day, the Honourable Robert Nixon, about the need for substantially more staff and larger budgets and greater clout for the Ministry of the Environment. As a good Treasurer, as a good Minister of Finance and a person who I think one could say was fiscally cautious, he of course would challenge those contentions I would put forward. Fortunately, Premier Peterson was in tune with the contentions I would put before the cabinet.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I think he's breaking cabinet solidarity.

Mr Bradley: I may be breaking cabinet solidarity to say it, but the point I want to make is that the ministry was turned around completely. First of all, it had the financial resources to do its job properly, second; it had the staffing levels to do it; and third, it had the clout to do it within government—much to the annoyance of some of my former cabinet colleagues from time to time, ministers of mines and other ministries, who did not always like the Ministry of the Environment. But it was a strong ministry; it was an enthusiastic ministry. If you ask the members of the Ministry of the Environment today, "What was your heyday?" they would not say it is today. A lot of them are no longer with the ministry, because they were fired out the door.

So what happened? Well, this government, in its rush to invoke tax cuts before balancing the budget, in its ideological opposition to government as a whole, in its dislike for the Ministry of the Environment and what it perceived to be its interference with economic growth in the province, proceeded to make damaging and deep cuts to the Ministry of the Environment. Virtually one third of the staff were fired out the door, a lot of very good people, a lot of very competent people, respected not only in Ontario but in Canada and throughout the world. Second, the budget was cut by 50%. Third, the staff were told to be business-friendly. They know how to define that. That means, "Don't push business too hard."

What I found in my experience, by the way, to give a compliment to business, was that there were many people in the business sector who were in fact prepared to be ahead of government, to make major changes in their style of operation, to put in catchment systems for the pollution they produced, but even better, to change the

way in which they produced their products so as not to produce contaminants in the first place.

2010

So there were many progressive people out there—not all, by any means. They were the people who were most critical when governments got easy on polluters. The reason they were is that they spent the time, they spent the energy, they spent the money, they trained their employees and they were getting kudos for what they were doing in the environment. When they saw competitors begin to get away with what they didn't get away with and to gain a short-term competitive advantage, they were justifiably annoyed.

We were all shocked when we heard what happened in Walkerton, when the news came on finally that people were dying from drinking the water. We all remember the medical officer of health on television, and his solemn pronouncements. He turned out to be a hero in this particular case. But when we heard of the tragedy and we saw the people who were really, really ill, when we saw the lack of confidence, which still exists, unfortunately, in many people in Walkerton about the water supply and others across the province who are lacking in confidence in the water supply, I think all of us were genuinely troubled by that, saddened by the tragedy that happened in Walkerton.

I think that was a fundamental change in this government. I don't mean this as a pun or in any way like that at all: it was a watershed for the government in terms of its thinking. It hit a wall. The philosophy was that government was bad, that you should dismantle as much as possible, that you should get the government out of the faces of individuals and companies and industries and so on. I think much of that has swung back in the other direction. Part of that, I might say, came from the tragedy of September 2001 in New York and Washington, where people saw that public servants played a very significant role. Even in the US, I think I saw the pendulum begin to swing back the other way.

But remembering what happened in Walkerton, the tragedy and all of the warnings that were given to government, the Provincial Auditor, who is totally objective—the Provincial Auditor is a person who, no matter who's in power, carefully analyzes what's happening in government to make sure we're getting value for the dollars and comments on what's happening. The Environmental Commissioners, Eva Ligeti, first of all, who was ultimately fired by this government for being too critical of the government, and subsequently our new Environmental Commissioner, Gordon Miller, both have been critical of this government and have issued warnings to this government about its policies and the potential consequences.

The Walkerton inquiry, conducted by Justice O'Connor, went into some detail about the government having two sets of business plans, one that it showed to the public and one that it showed internally to the cabinet and members of caucus. So when these massive cuts were being made to a ministry that was an overseer of

municipalities and others, in fact they knew that the risk to the water supply of this province would be increased considerably by the action taken in virtually dismantling the Ministry of the Environment.

I well recall, as will others in this House who have been here a while, the excellent job that was done by the Ministry of the Environment laboratories. We had a central laboratory and we had regional laboratories. This government, as a cost-cutting measure in 1996, closed those laboratories virtually overnight and forced municipalities to scramble to find somewhere to have their water tested in about an eight-week period of time.

Virtually everybody who has observed this, and even people at the time said, "This is madness." If you don't have rules in place, particularly for reporting to the medical officer of health when there's a problem, and when the reporting is only to the operator of the system, that's bound to cause problems. I remember a memo from Jim Wilson, if I can use his name, then as Minister of Health, to the Honourable Norm Sterling as Minister of the Environment, a memo which warned about this. That memo was based on staff input to the minister. When a specific memo or letter goes from one minister to the other saying, "Watch out; this is a problem," in terms of the reporting of adverse results in water testing, then you know that that minister is either protecting himself or at least trying to transmit a message.

We now are—what?—two and a half years after the Walkerton tragedy, and at long last we have a bill introduced which addresses some of the concerns that began to flow from that. There were many warnings at the time about the consequences of the cuts to the Ministry of the Environment.

I remember Dr Richard Schabas, a person for whom I, and I think most people in the province, have a good deal of respect, saying the following in his testimony, and this probably symbolized what was happening in the government at the time. Let me quote directly from his testimony:

"The third meeting, which to the best of my recollection was at the end of May of 1997, I was actually in Montreal with the minister and with the deputy at a meeting of the federal and provincial medical officers of health, we were there to discuss the creation of the board agency, which I was very much involved with as a policy standpoint from the ministry, and we had a discussion that morning at which point the minister and the deputy both identified the fact that the proposed policy changes and legislative changes were going back to policy and priorities committee of cabinet that afternoon and there was not going to be anyone there to represent the viewpoint of the ministry or the viewpoint of public health and there were a number of important issues that were still on the table for that day's discussion.

"So, at the direction of the minister, I came back, I missed the second half of the minister's meeting, came back to Toronto to attend the policy and priorities committee meeting, which would have been in the late afternoon, and the way these meetings work, there's a little

anteroom where all the civil servants who come in for selected items wait and we sat and waited for the public health item to be called. When it was, I came in to the meeting and sat down in the appropriate chair for the table to prepare to discuss these issues, at which point an official assistant deputy minister in cabinet office came over and put his hand on my shoulder and said, 'Dr Schabas, the Premier doesn't want you here for this discussion.'

"So I was taken aback and started to express my concerns to him and then I looked and I realized that the Premier himself was sitting directly across the table from me so I turned and I addressed my remarks to the Premier and basically said that the Minister of Health has specifically asked that I be here, that these are important issues with regard to public health, they are important concerns, and that in my view it was very important that the viewpoint of public health be heard in these discussions and the Premier looked at me and I was quite certain was hearing what I was saying, we weren't more than a few feet apart, and then he basically turned away from me and, I mean, as far as I was concerned, the Premier was turning his back on public health and then I left the meeting and that was the last opportunity that we had to discuss these before these changes were made to the public health system."

Let me put that in context. This is the chief medical officer of health, a non-partisan person who serves no matter who is in office, saying that the Premier had turned his back on public health.

The warnings were there. You see, when the Ministry of the Environment laboratories existed, if there were an adverse result in a test, if there were any abnormalities, not only was the local operator notified but also the medical officer of health was notified. Had that happened in Walkerton, had that regime been in place in Walkerton, we would not have had the seven deaths and the thousands of people who are ill.

That is the context in which we find ourselves in Walkerton. So when my good friend the Minister of the Environment paints a picture of two individuals operating a water system and they're almost entirely responsible for this, it is not a picture which is agreed to by others. Certainly a role was played there, but Dr Richard Schabas would not agree. As I read the testimony, or as I read the final report of Justice O'Connor, he did not come to that conclusion either. He said certainly the government's oversight, or lack of oversight, played a significant role.

2020

As I think was pointed out earlier by the member for Niagara Centre, seven people had not died before—nobody had died before—from drinking water in Ontario, and massive numbers of people had not become ill before in the province. So with the lack of staff, with the lack of resources and with the lack of clout, the Ministry of the Environment was unable to do its job as it would like to have done. In fact, there was testimony which indicated that the Red Tape Commission, this sinister group within

the government that was there to find what it would say were unnecessary regulations, had intimidated Ministry of the Environment officials to such an extent that they did not even bring forward recommendations as to how the reporting system should work when the laboratory testing was privatized. That's how intimidated they were. They felt they would not be listened to, that they would be criticized.

So you have to look at the atmosphere. It was an axe swinging wildly and without thought in 1996. Now we see the government creeping back from that through various pieces of legislation; in fact, through regulation and through some policy changes. But that was only because we saw seven people die from drinking water in the province of Ontario.

Those massive cuts were made not only to the Ministry of the Environment but to the Ministry of Natural Resources. The Ministry of Natural Resources, as a lot of people don't understand, has a lot to do with water quantity and quality as well. They had a lot of people who were dealing with water quantity and quality, either directly through the Ministry of Natural Resources or indirectly through their funding and association with conservation authorities. Keep in mind, and you would know this from your area, Mr Speaker, that there were massive cuts made to the budgets and staff of conservation authorities as well.

So all of this oversight of our water system was cut back. In fact, we have seen it continue. The Environmental Commissioner, Gordon Miller, in his latest report revealed to the public of the province that when this government took office, there were some 730 monitoring stations on our streams and rivers and lakes, and that by the year 2000 that had diminished to 240—almost 500 monitoring stations removed. Surely, as everyone recognizes, the raw water supply has to be monitored and protected so we don't have these problems.

One of the initiatives the government moved slowly on but finally passed in terms of legislation was what was called the Nutrient Management Act. That really refers to manure and sewage. We use the word "nutrient" in a way, I guess, to avoid using those words. But even with that act, the regulations are not in place yet. There is still a consultation going on. There are even some exemptions. I am told that raw sewage from outhouses, for want of a better word, can be spread on agricultural land. That doesn't make any sense to me. There are even people who are genuinely concerned about sewage that comes from sewage treatment plants, that has been treated, being placed on agricultural land, but most assuredly untreated sewage being placed on agricultural land is a problem.

Within the Ministry of the Environment there is not the inspection regime available to deal with this issue, and the Minister of the Environment was not even allowed to have the lead. The lead was given to the Ministry of Agriculture, Food and Rural Affairs. So that legislation, much cheered about by the government, is not implemented appropriately yet and has a lot of flaws

in it. It is more flash than substance in terms of its effect on protecting the raw water supply, the groundwater or surface water that we use for drinking purposes.

I recall, when the incident broke, what happened. They asked the Premier the questions in this House. First of all, he blamed the NDP. He said, "Oh, well, it's not my fault. It was the NDP. They started it all." That was quickly put aside when it was revealed that in fact the major massive cuts were made by the government, not by the NDP.

Then the town of Walkerton was at fault because they didn't take advantage of infrastructure money that was available. Then somebody—I think it was the federal member from Grey-Owen Sound—showed evidence that in fact Walkerton had taken advantage of this funding. So that took that out of place.

Finally, after much discussion and debate in this House and questions in and outside the House, the Premier was dragged, kicking and screaming, into allowing a public inquiry. I must give my colleague Mr Conway probably the lion's share of the credit in one question that he asked, and many of us asked questions in the House. The day he got up in a very impassioned way and asked questions of the government, finally the government capitulated. But it was in an impassioned way, because I had asked questions, the leader of the official opposition, Dalton McGuinty, the critic for the NDP and the leader of the NDP had all asked questions about a public inquiry. I don't know what finally motivates a government, but I remember the very impassioned plea made by my colleague from Renfrew-Nipissing-Pembroke that day, and finally the government capitulated, after much weeping and gnashing of teeth, to have a public inquiry.

I want to say something positive about the appointment that was made. I thought the appointment of Justice O'Connor was a good appointment. I didn't know that much, not being a lawyer or involved in the judicial system, and I asked my colleague from St Paul's about this. I said to him, "What about Justice O'Connor? Is he a good choice?" The answer was yes. I think most people out there said yes. It turned out he was a good choice, in my view. I like the way he conducted the inquiry. I like the way he was able to speak to the average citizens within Walkerton and wherever he went in the province, as well as to the so-called experts. I thought, as I say, the manner in which he conducted the inquiry was superior to what I've seen in many cases. That's why I think the recommendations he made were so compelling for all members of the House and why they are included in this legislation, as I think they should be.

I do want to say, however, that when we talk about the regime of the day, let's look at the inspections that were done. By the way, I should mention something that a lot of people wouldn't realize. Do people in this House realize that the operating budget of the Ministry of the Environment was higher in 1976 than it is today? That's 26 years ago.

Hon Janet Ecker (Minister of Finance): That's because we had Energy.

Mr Bradley: I don't know if that was the case in 1976. I'm pretty sure, if you think back to 1976, it was only the Ministry of the Environment in those days. I think subsequent to that they were combined. I remember my friend Robert Welch was Minister of Energy for a while. But I think it was separate from that in those days. It's interesting to see that in 1976—it wasn't a Liberal or NDP government; it was a Conservative government of the day—it was even higher than when this government is in effect today, even after it has made some additions to the ministry.

So the number of inspections was way down. The government kept diminishing the number of inspections. The inspection team that used to go out to the municipalities to see what was going on was virtually dismantled. I remember when they went on their blitz, they had to hire some of those people back; they had to hire people from wherever they could to do the inspections that were to take place at the time. So I thought the annual reporting, what I call the drinking water surveillance program, had been allowed to slide, the inspection regime had been allowed to slide, and yet there were many out there warning of problems that could happen not only in Walkerton but in other municipalities.

We must remember that the finance minister of the day, through all these massive cuts, through the dismantling and destruction of the Ministry of the Environment, was none other than the Hon Ernie Eves, who is now the Premier of the province of Ontario. I can't blame the present Minister of Finance, who is with us this evening, because she wasn't the Minister of Finance of the day, but I can certainly tell you who was, and that was the Honourable Ernie Eves.

2030

So we have a circumstance where we now have a drinking water act before us. As I mentioned at the beginning, one of the things I liked about the bill—although the member for Bramalea-Gore-Springdale and somewhere else heaped praise on it; I think that was an overstatement—was a lack of hostages. In other words, in a lot of government bills they'll bring in a poison pill that the opposition can't swallow and can't vote for. This bill doesn't have that.

Is it missing some components? It sure is. It does not have a component that allows people to take legal action against the government. It does not have a component that deals with water sources. It does not have a component that specifies—

Ms Churley: Public right to know.

Mr Bradley: Public right to know is not found in this bill, as my colleague from Toronto-Danforth points out.

It does not spell out the kind of financing that must be part of the implementation of this bill. And there's still a regulatory framework that must be finalized.

The appointments made to the advisory committee of the Minister of the Environment are at the discretion of the minister. As I mentioned, I think, in my response to the government in its initial discussion, I think it would be superior to have those as order-in-council appoint-

ments, to be analyzed and scrutinized by the government agencies committee.

My good friend Bob Wood, who is a prominent member of that committee, is here tonight, and I might add that I, as an opposition member, find him a helpful member of that committee in that he certainly does his job for the government but in my view he helps the committee function as it should. I would think, although I can't put words in his mouth, that in his heart of hearts he would probably like to see the people come before that committee as order-in-council appointments, so that members of his caucus and members of the two other caucuses could interview the people and see if they are the best possible people for that job.

Earlier this evening, my friend Bart Maves answered the question as to whom the water commissioner shall report. He can correct me if I'm wrong, but I thought he said "reports to the minister"—

Mr Maves: Publicly.

Mr Bradley: In public. But I think it would be superior if that person were an officer of the House, who reported to all members of the Legislature. I can tell members opposite that were they in opposition, they would feel even more strongly about that than they might in government. I notice that even within government caucuses, including the federal government caucus at this time, there's a feeling that individual members want to have more say. Having that person as an officer of the House, as opposed to reporting to the Minister of the Environment, albeit publicly, would be superior in this legislation.

Virtually everyone who has made reference to this says, "Look, you have to deal with the sources of water." We saw the cutback from 730 monitoring stations to 240 monitoring stations. That's an indication the government is moving backwards. Conservation authorities can play a very significant role in that. If they're given the financial resources, the staff and the clout, they can deal with that. The Ministry of Natural Resources and the Ministry of the Environment can deal with that. I think it's going to be important that we deal with the sources.

Again, the Provincial Auditor, the two Environmental Commissioners we've had in the Legislature and the Ontario Medical Association are among the people who have said we have to address the problem, the challenge, of the raw water supply out there. I'm disappointed that the government is only now appointing, or is about to appoint, a committee to look into it. I think it could have been done simultaneously with this bill or indeed could have been started last spring as part of a legislative or regulatory framework, and that has not happened.

Let's get down to the implementation of the bill. Anybody who is knowledgeable about the Ministry of the Environment knows there will have to be a massive investment of funds in the Ministry of the Environment to ensure it can carry out its role under the provisions of this bill. If the bill is to mean anything, if the words in the bill, the provisions of the bill, are to be meaningful, the Ontario Ministry of the Environment is going to have to

play a significant role in the implementation of this bill. They will need many more staff—dozens upon dozens more staff than they have today—and they'll require millions more dollars more, and again the clout.

The minister and some of the others who have spoken on the government side make the point, "We've hired this many new people." What I would point out is that they fired those people out the door. They're now trying to replace some of the people who were fired out the door.

What has to happen is that the Ministry of the Environment has to be restored to its former budget, at the very least, and to its former staffing level, also at the very least, to do its job appropriately.

It is said by members of the government that this is going to be the best drinking water in the world, that this is the strongest bill in the world. I'm surprised they didn't say in the universe.

Hon Mrs Ecker: OK, then.

Mr Bradley: The Minister of Finance says the universe will do. We like to be critical, we Canadians, of Americans. There are many states that have tougher drinking water standards than we have anywhere in Canada, and some federal legislation. I hate admitting that from time to time. But if you look at specifics in some of their legislation, it's stronger than ours. So this contention that somehow this is going to be the strongest bill ever anywhere, is one which will not hold water, just as when the government says it's implementing all the recommendations of the Walkerton report, of the Justice O'Connor report, they're really not doing so. They're nodding and winking at some of them and fully implementing others, but they're certainly not fully implementing them.

This bill doesn't deal with privatization. I'm afraid that some of the provisions of the bill will drive smaller municipalities into privatizing the water system within their area if there is not a component that provides for assistance to municipalities to help them in meeting the considerable costs of the implementation of this bill. The Ontario government, the provincial government, must be a funding partner on an ongoing basis to assist those municipalities.

I see that the government keeps announcing and re-announcing some money. A good example is Camden, Ontario, and the town of Lincoln, where I've heard money announced and re-announced, but it never seems to flow; a cheque never seems to get there. I hope the government isn't using the excuse of waiting for an election campaign to start flowing those funds which have been announced and re-announced but never flowed to the municipalities.

I said at the beginning that I wanted to share some time with one of my colleagues. I am at the present time going to turn it over to Mrs Dombrowsky, who has four names in her riding: Hastings-Frontenac-Lennox and Addington. I am going to turn over to Mrs Dombrowsky my further time on this bill.

Mrs Dombrowsky: It really is important to me to have this opportunity this evening to speak to a very

important piece of legislation that has impacts across the province, obviously, and very definitely in my riding as well.

I listened with great interest and attention to the opening remarks of the government and also to my colleague. I am always very impressed by Mr Bradley, who was the best environment minister the province has known. That comes to me not just from members of our caucus but from people across the province, people who worked with the Ministry of the Environment. Jim Bradley was a minister who was truly committed to the environment. I was amused by the analogy he used earlier this evening when he talked about a Minister of the Environment who had sharp elbows when it came to advocating for the environment. Certainly Mr Bradley has those in our caucus room, at our caucus table, and has taught me a great deal about the value and the way to ensure that we protect our environment for everyone in our community, particularly for generations to come.

I am very honoured to share the lead with Mr Bradley today. It provides me with an opportunity to talk about the parts of the bill that I'm happy with and the parts of the bill that are not there, what should be in the bill that isn't there, and what I'm hearing from people, from constituents in my riding, about the concerns they have about the Safe Drinking Water Act.

2040

It is important that we have this bill. As Mr Bradley has indicated already, sadly it was an environmental tragedy that precipitated this piece of legislation. It was only after seven people died in Walkerton that we now are entertaining this type of legislation here this evening.

I well remember those election campaigns when the Tories were going across Ontario speaking about the excesses in government, that we had too much government and we didn't need all those people in those offices doing whatever they do. Well, you know, some of those people in those offices were responsible for testing water. How it ever happened that someone made a decision that we didn't need to do that is beyond me. Sadly, we've all witnessed what happens when people really don't understand the role, the work and the importance of what civil servants do, particularly at the Ministry of the Environment. Certainly it's something Mr Bradley was very aware of because of his former role, but also because he recognized that government does have a responsibility to be a watchdog to ensure that we have those quality services in our communities.

I was thinking, as Mr Bradley was reading the comments of the former medical officer of health for the province of Ontario, Mr Schabas, that it was really very chilling to hear the account from the doctor who had the responsibility to consider the well-being of all Ontarians. He sat in a room with the Premier and ministers of the day. He was very adamant that the issues at hand were of importance, of significance and really would impact the health and well-being of Ontarians. It's chilling to think that this gentleman would say that he felt the then-Premier of the province would turn his back on the

concerns this man was very earnestly trying to have them understand: the important role of the folks at the Ministry of the Environment and what they did for the people. Consequently, because his warnings were ignored, 700—or was it 900?—people were fired out the door at the Ministry of the Environment.

Mr Bradley: Nine hundred.

Mrs Dombrowsky: My colleague from St Catharines has confirmed that 900 people at the Ministry of the Environment were fired out the door, testing in communities did not have the provincial oversight as they once did and we had the tragedy at Walkerton.

I was reading an editorial in one of the local papers in my riding, the Kingston Whig-Standard, and the comment in the newspaper was that this legislation is a step back to the future, that we're not moving ahead but are moving back to what we had. The report wasn't especially complimentary, from the perspective that this is really righting a wrong that happened many years ago when staff at the Ministry of the Environment was cut.

Concerns that I have as a rural representative about this bill relate, I would suggest, more to what's not in the bill than to what is in the bill. I spoke, in the one opportunity I've already had to make some comment on remarks made earlier in the evening, about the fact that I was speaking with a water supervisor from my riding. He asked, where does it indicate what the responsibility of the provincial government is with respect to this act? What is the provincial government prepared to provide by way of support for communities across Ontario?

I live in a part of the province that is not especially densely populated. It's a beautiful part of the province, with quality people and a wonderful quality of life, a number of smaller communities, no communities of significant size. When I say "significant," I don't have communities in my riding with populations of more than 100,000 people, for example. I have a number of small communities. Many of them have water systems. Many of them have very old water systems, actually, and that's part of the problem. When I speak to municipal representatives about the state and the condition of their water treatment facilities—they're very dated, they're very much in need of repair and upgrade—they're quite concerned about the fact that the law will require them to provide a level and quality of product, being the water for the people in their community. I'm not suggesting that they should not be required to do so, but I think there needs to be some recognition that a small community of 700 or 800 people, or even 2,000 people, does not have the financial resource base to perhaps address those needs.

In the past, historically, they have been able to count on support from the provincial government to assist them with those infrastructure needs. It was explained to me by one municipal representative in my riding, who said that their municipal water system needs to be upgraded and the cost to upgrade the water system to meet present-day standards, to ensure that the people in this small town have quality water, safe drinking water, is over \$1

million—\$1 million for a community of 1,000 people. That is a significant burden if that community is to bear that financial burden alone.

It was interesting that the municipal representative also pointed out to me that they could upgrade to a capacity of 15,000 people for the same cost. So whether you're upgrading a facility and you have 1,000 residents or 15,000 or 20,000 residents, the cost of the upgrade is the same. But I would suggest that the ability of the people to pay is not the same. The concern is that people in rural communities are going to be required to pay more for safe water than people in more populated communities, and I don't think that should be the case. Up until now in Ontario, that has not been the case because there has been the recognition that as a province we all benefit from healthy communities and there is a recognition that the province can assist communities with infrastructure dollars to meet these very important needs.

The other concern I have about the impact this legislation will have on people, certainly in my riding but also across Ontario, is the impact it will have on our seniors, on people who are on fixed incomes and also on our poorest people. I'm particularly concerned about this, given the information that all members of this Legislature have been receiving in their constituency offices in recent days and weeks about the cost of hydro. The cost of hydro has absolutely skyrocketed, and people on fixed incomes are contacting my office who have had hydro bills double and triple and even quadruple in amount, and they're on a fixed income. They don't have the money to pay the bill.

Now we have a piece of legislation whereby the basic premise is that communities, the users of the water resources, should also pay for whatever mechanisms are in place to ensure their safety. So the users very possibly are going to see water rate increases as well. I'm very concerned for those people who are on fixed incomes, who haven't had raises, in many cases, for years. People who are on Ontario disability support have not had a raise in, I believe, nine years—maybe it's been more. And now they're dealing with hydro rate increases, and I believe that in the not too distant future, they're going to be hit yet again with water rate increases.

2050

What we very much want to see in this bill is an indication that the province recognizes that there are communities that do not have the same resource base to support some of the upgrades and that the province recognizes that it has a responsibility to supplement those communities so that everyone in Ontario will have access to quality drinking water and they will have access to it at a relatively even rate, so you don't have some people in smaller communities paying a significantly high amount of money for safe water while people in other communities, particularly those that are very well-resourced or have a greater assessment base or tax base, don't pay as much.

As a rural member, these are concerns that have come to me already. When I read the bill and when I listened to

the debate here this evening, I was hoping that I would hear some indication from any of the members who participated from the government side that there would be some assistance, some consideration, some understanding that the bill will have impacts across the province. And while the ultimate impact is safe and clean drinking water, I think the question has to be, at what cost? Does the government understand that there may be communities that will not be able to afford the cost, and because the government recognizes that, it's prepared to put in safeguards to ensure that all Ontarians will be able to access safe drinking water at a reasonable price?

Certainly, I think it is important for the government to commit to and understand the value of obtaining public input on this piece of legislation. This was certainly something that I know our critic has advocated, as have other members from other parties, as absolutely essential to ensuring that we have a sound piece of legislation.

I also wanted to talk about the fact that within the body of the bill there isn't anything that would prevent a municipality from selling their water system to a private corporation. I've talked about the fact that there may be small municipalities that would find the upgrading of their water system a significant burden, perhaps one that they didn't feel they could pass along to their ratepayers. So it is conceivable that a company or corporation could come along and say, "Let us relieve you of that worry. Let us take that burden from your shoulders. We would be prepared to come in and we will provide you with a quality water system. We will manage it, we will provide all the bells and whistles." I'm sure there are many municipalities that might think, "Well, that might not be a bad idea. That takes the responsibility away from us. We're not in a position, as a municipality, of binding our ratepayers to a significant debt load." So the system could possibly be sold to a private corporation.

I don't think that's a good idea for a variety of reasons. Again, it goes to consistency of services in communities in Ontario and also, once such a facility is in the hands of a private corporation, there is no control or regulation around rates or about quality or level of service. So I'm very concerned that Bill 195 has been totally silent, that there is no commitment within the body of the bill that the water system must remain in public hands.

I have to say that while it disappoints me, it doesn't surprise me, because it is very much in keeping with the whole privatization agenda of the Harris-Eves government that we have seen unfold in many areas during the term of the last two governments.

I have to say that when we consider privatization of the many services in the province that have been privatized, I really am hard-pressed to think of an example where privatization has resulted in better services for the people of Ontario.

I hear on a number of occasions on a variety of issues about services that have been contracted out, services that have been privatized, and people in my riding are not especially happy. One example I'm thinking of is Ministry of Transportation services, particularly in times of

bad weather in the winter months where the contracted services are not as efficient as when they were provided for the people in the communities by the Ministry of Transportation. In community and social services there have been many services contracted out, and there again we hear from people who are not satisfied with the level of service.

In Bill 195, I believe this is another opportunity the government is making available for the privatization of an essential service. It's an essential service, and we all must be concerned about that.

What we in the Ontario Liberal Party are looking for in terms of good, solid legislation is legislation that will ensure a government that takes responsibility for providing a quality, dependable service at a reliable rate.

As the article in the Whig-Standard that I already referenced said, we're going back to the future, going back to where we were before. Sadly, we have a long way to go to get to where we should be. But when you're following up, when you're playing catch-up as a government that slashed the budget and fired out the door 900 workers of the Ministry of the Environment, while this legislation is a step in the right direction, we have a lot more steps to take before we get to where we need to be and should be for the safety and well-being of the people in this province.

I'm very happy to have had this opportunity, and I hope the government will be prepared to entertain amendments that will strengthen this legislation.

The Speaker: Questions and comments?

Ms Churley: I listened carefully to the speeches by the Liberal environment critic and of course the former Minister of the Environment, who knows the ministry very well, as it used to be anyway. Before I got into government I worked directly with him to get some environmental things in my riding accomplished. I always listen carefully when Mr Bradley speaks because I know he's well aware when he talks about the cuts to the ministry and the impact those have had on our environment and the health of the people of Ontario.

One of the things he spent a great deal of time pointing out, I think because he was provoked, as am I, by the Minister of the Environment, who spent a great deal of his speech talking about—well, what he did was come full circle. I felt like it was déjà vu all over again, because somewhere in his speech he started saying it's all the fault of the Koebel brothers. All you have to do is pick up these reports, these two thick reports by Justice O'Connor. It was almost like he was saying that was all unnecessary because really it was the Koebel brothers alone, which is where the Tories started out. I was really disappointed tonight to find that we're back to that. Of course nobody is denying, on any level, that what the Koebel brothers did contributed in a big way to the tragedy. But Mr Justice O'Connor made it clear that the cuts to the ministry had a huge impact, and that they ignored the many warnings from many people that a tragedy could happen, that those were not listened to.

So the minister provoked the need to tell the true history again tonight of what led to the tragedy of Walkerton.

Thank you for this opportunity. I'll be up again in the next few minutes.

2100

Mr Maves: I'd like to respond to the member for St Catharines and the member for Hastings-Frontenac-Lennox and Addington, specifically to the member for St Catharines. I had to bristle when early in his comments he said that this government was brought kicking and screaming into bringing in pro-environmental legislation. I bristled quite a bit at that, because the history shows something totally different.

For instance, we were not dragged kicking and screaming into the Drive Clean legislation we introduced. It offended many of our supporters, in fact. It wasn't politically popular at all, but we had the courage to introduce, pass and implement that. The SWAT team was something we campaigned on in the 1999 election. We were not forced into that. These are focused inspection teams to target polluting industries. This government legislated the highest penalties, including jail terms, for major environmental polluters.

We set aside and protected more parkland than any other jurisdiction in the developed world. Again, we were not dragged kicking and screaming into that. We did it because we believed in it. We said we'd eliminate the Lakeview coal plant by 2005. No other government did this. We were not dragged kicking and screaming into that. We've done that because we believe in it. Lately, we nixed the OPG sale of two coal-burning electricity plants because the prospective buyers would not commit to cease using coal and replace the coal with natural gas by our timeline of 2015. Again this disappointed some of our supporters, but we still had the courage to do it.

We have a very active and positive pro-environment history, so I take exception to the comments of the member for St Catharines.

The Speaker: Further questions and comments? The Member for Toronto Centre-Rosedale.

Interjection.

Mr George Smitherman (Toronto Centre-Rosedale): You have neither that nor a medal to pin it on.

I want to say what an honour it is for me to have an opportunity to comment on the speeches by the member for St Catharines and the member for Hastings-Frontenac-Lennox and Addington. For anybody who's watching at home, I think it's been an interesting night, especially the contrast between their thoughtful speeches and the apologetic comments of the member for Niagara Falls, who preceded me, who stands here suggesting that if it were not for the tragic events that occurred two and half years ago in Walkerton, Ontario, where seven Ontarians died, died at the hands of policies, according to the O'Connor report, attributable to mistakes that people in government made—and instead we get this crappy response from the member opposite, who talks about how they weren't dragged kicking and screaming to implement Drive Clean, which took longer than anything.

I think tonight's debate, led by the government members and followed up by my colleagues and, in a moment, at least part of a presentation by the very thoughtful, on this issue, member from Toronto-Danforth, gives Ontarians a good glimpse into some of the worst and into some of the best about government.

I do think we have a piece of legislation that we're coming together around. There has been a bit of an opportunity for input, something that is too rare in this House. The spirit of bipartisanship apparently can only occur when serious death has been involved, all other bills depending upon a government which thinks it has all the answers. On this bill they had to recognize, for once perhaps, that their own policies led to deaths in Walkerton. We need to remember that as we debate this.

The Speaker: Let's see: one, two, three, four. Yes, the member for Niagara Centre.

Mr Kormos: I wouldn't have stood if I was out of order, Speaker. Far be it from me.

I listened very carefully to the speeches of Mr Bradley and Ms Dombrowsky. While I was listening to them, though, I was reading the Hansards from June 1991. I saw that there had been a succession of quorum calls being made by opposition members. Finally, one Mr Turnbull stood up with great indignation, stating, not incorrectly, "Once again it appears that the government has so much disrespect for this House that we do not have a quorum." Well, hour after hour I've sat here watching a quorumless House, government benches absent. I was relishing the opportunity, just before Ms Churley began speaking with her leadoff on behalf of the New Democratic Party, to call quorum, but, sure enough, a quorum of Tories scurried in here, the chicken hanging from their mouths, the stains on their ties drying rapidly in the heat of the chamber.

Hon Mrs Ecker: We didn't have chicken tonight.

Mr Kormos: I'm sorry. Ernie is at Swiss Chalet. With these guys we're talking about the tender beef fat from the curl around the filet, cut with a fork.

Ms Churley is going to be speaking to this bill in around two and half minutes' time. I want to remind folks once again, notwithstanding the rather feckless effort on the part of the minister to somehow explain his comments away as being non-partisan, and simply point out that nobody ever died drinking NDP water in this province. Nobody ever died drinking Liberal water. It was Mike Harris-Ernie Eves Conservative water that killed seven in Walkerton. That's why we're here today.

The Speaker: Response?

Mr Bradley: I thank the members for Toronto-Danforth, Niagara Falls, Toronto Centre-Rosedale and Niagara Centre for their contributions. Indeed, I think each one of them brought a different perspective tonight.

I think we all recognize, from the comments that have been made, that we would not see this legislation before us tonight had seven people not died tragically in the town of Walkerton.

We see that the bill contains many of the recommendations that have been made by Justice O'Connor,

and I think that's positive. We see also that the bill is missing some significant components and some significant assurances on the part of the government that it's going to provide the necessary funding and staffing and the clout to the Ministry of the Environment, to the Ministry of Natural Resources and to conservation authorities so they can carry out their responsibilities in implementing the bill. It is one thing to have legislation which contains words; it is yet another to have the wherewithal to implement that legislation. I think that's what's going to be key with this bill.

In addition to that, I express concern once again, and I don't think anybody has dissuaded me, at the fact that this bill does not contain anything in terms of a meaningful reference to protecting the water sources. Everyone recognizes that preventing contaminants from getting into the water supply in the beginning is so exceedingly important. I know the Provincial Auditor thought so. I know that two Environmental Commissioners think so. I know as well that the Ontario Medical Association believes that to be the case.

We look forward to what will follow this bill. I know that my colleague from Toronto-Danforth will want to analyze it and come forward with some of her recommendations as well. I look forward to that.

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The Speaker: Further debate?

Ms Churley: It was June 15, 2000, shortly after the tragedy in Walkerton, that I first introduced my Safe Drinking Water Act, which was then Bill 96. Then, on September 28, 2000, the bill passed second reading. It never did go any further than that. Later, I introduced the bill again as Bill 3.

It's human nature for everybody to want to take some credit for being here tonight, and that's fine. I think we should probably all, in different ways, take some credit for being here tonight and having this bill before us, and I will get to what I like about the bill and what I don't a little later.

Here is what I want to do: I want to give the credit to the people of Walkerton. They are the people who suffered. They are the people who lost loved ones. They are the people who lost six people through that tragic occurrence. They are the people who have up to 2,000 people ill, some of whom are children who will never, ever totally recover. There are still adults as well as children on medication they will be on for the rest of their lives. There are children who will end up being on dialysis. We must not forget the reason we're here tonight. Not much good can come out of such a terrible tragedy.

I want to once again say to the people of Walkerton that they are responsible and we back them up here in the Legislature. It was they who inspired me to immediately continue the work I had been doing on a Safe Drinking Water Act some time ago. I got really busy and shelved it and hadn't gotten very far. It was the people of Walkerton who inspired me to get together with experts in the field and look at the American safe drinking water

legislation, which at the time I wrote this bill had been around for 25 years. In fact, although I added made-in-Ontario pieces, a lot of my bill was based on very successful safe drinking water legislation in the US. So it's the people of Walkerton we should be giving credit to tonight for any movement we've seen here in the Legislature as a result of the terrible thing that happened to their town. I want to commend them and thank them for their perseverance, dignity and strength throughout this whole ordeal.

Hopefully when we have all of the pieces of legislation in place—because we're not there yet, and even the minister acknowledges that. The Safe Drinking Water Act before us tonight, the Nutrient Management Act and the other bill, Bill 175, dealing with other matters around sewers and water, in and of themselves will not prevent another Walkerton from happening. Indeed, unless the government reinvests in the Ministry of the Environment, none of these pieces of legislation, including ground-water source protection, when and if it comes, will prevent another Walkerton.

One of the things Justice O'Connor points out—and I have both the reports. I've read them and I recommend that all people do. It's not heavy reading. I have to commend Mr Justice O'Connor as well for the incredible job he did, not only in conducting those hearings but making them so comprehensive, and for holding them in Walkerton and allowing the people of Walkerton to be very involved every step of the way. His reports are very readable and very doable.

What Mr Justice O'Connor did was have a very thorough look—and he has two parts. Part one deals with some of the more technical aspects of what went wrong, and with recommendations. Part two deals more with the policy areas. If the government doesn't want to believe what the opposition has to say about the impact of the cuts, the reductions in staff, the privatizations, the down-loading, the Red Tape Commission, if you bundle them all together when you read these reports, you will see that the government—and it has been admitted finally. There was an apology from Mr Harris—a long time coming, but it came—and an acceptance of the government's role and their responsibility. I commend them for finally, after some time, recognizing that, making that apology and acknowledging that some of their policies and cuts did indeed have an impact.

Particularly in response to the Minister of the Environment, I said earlier that I was appalled by the minister's speech. He brought us back to the early days after the events in Walkerton happened, when Mr Harris first tried to blame the NDP, then moved on to blaming the town and then specifically the Koebel brothers. Nobody here is going to say for one moment that the Koebel brothers' activities did not play a large role in what happened in Walkerton—we all know that. But for the minister to stand up tonight with these reports in hand and say that could have happened under any other government, I would say to him that's not so. I also would say to him when he gets up and says, "What did

you guys over here do? You did nothing. We're the ones bringing in the Safe Drinking Water Act, we're the ones who are setting up a committee to study, to advise on source protection. You did nothing," that's not so.

If you look at the kinds of programs and staff levels that were in place, not just under the NDP—we in fact increased it, despite the recession. We decided to invest in environmental protection in this province, even though we got a lot of flak from this side of the House, at the time, for increasing the deficit. That was one of the things we were doing when we were in government. We made a decision not to borrow money for tax cuts, we made a decision to borrow money to keep people afloat during a recession and for environmental protection, among other things, in this province.

When the minister says we did nothing, he's wrong. The difference is, and everybody knows this by now, that under successive governments, from the time the Ministry of the Environment was first set up under the Bill Davis government, under the Liberal and NDP governments, there was a continuum of improvement within in the Ministry of the Environment. That stopped after Mike Harris took over. Not only were there not any improvements, but we went downhill, we went backwards. And indeed, when the NDP was in government—and I want to talk about source protection for a moment, because the minister and government members like to point out, "Why didn't you do it when you were in government? You didn't do it." You're supposed to be neutral, Mr Speaker. Nice to see you in the chair because you can't heckle me now.

When we were in government we did a couple of things that started on the road to groundwater and source protection. First of all, we gave adequate funding to conservation authorities, which do a lot of that work, the monitoring and that sort of thing. We didn't cut the ministries of the Environment or Natural Resources, we actually increased funding. But furthermore, and this is very relevant to source protection, there are two things—there are many others, but there are two things in particular that started us down that road, although, admittedly, not yet a comprehensive plan. We brought in the green planning act. You have to understand that when we talk about source protection, that is a big piece of it. Land use planning is a big piece of source protection. So we're on the road to source protection with that. And what did this government do? One of the first acts of the government under Mike Harris was to get rid of that planning act, throw it out. It was seen as red tape, it got in the way of development.

Another thing that we did that contributed to source protection policy was to bring in a small but actually mighty program. It was called CURB, Clean Up Rural Beaches. It was a program that actually had dollars assigned to it. Once again, we were using money, yes in a recession, to try to protect the source of our water. That was to help farmers establish where there were problems with farm animals too close to wells and water sources, and helping them, giving them money, working with

them, training, educating and then giving them money to fence off areas where there might be a well or an environmentally sensitive area that could harm the water, to keep the cow manure away from the water sources.

I want to make it clear to the government members tonight that it is not fair and it is not accurate, indeed, to say that under our government nothing was done on source protection; in fact, we're further behind. That is what is so discouraging. When I hear the government say that—talk about bristling—it's just not a correct accusation or observation, because we did do things. Instead of this government building on it, which is what we were going to do had we been elected, they threw it out. So we're starting from way back, back from when we were in government and brought these policies in.

Instead of using my own quotes about the cuts to the Ministry, I am going to read specifically from Justice O'Connor because I think that for the government members he is perhaps more believable than I am even though I've got my own numbers in front of me.

2120

In the Report of the Walkerton Inquiry Part One—where he deals with more of the technical things and reductions and budgets and things like that, he says, "Shortly after the election," in 1995, "there was a reduction to the MOE's budget of \$30.8 million. In August 1995, the central agencies of the government directed the MOE to develop a plan for reducing its budget by a further 40% for 1996–97, and then by another 20% for 1997–98. These reductions added up to \$200.8 million over the two-year period. In January 1998, an internal MOE document reported that the ministry had been 'particularly hard-hit' in comparison with other ministries. It stated that since 1995–96, the MOE budget had been reduced by 48.4%."

He says, "The budget reduction targets were not set by that ministry," the people who knew the impact these cuts would have on the environment. "They also did not involve a review of the question of whether the reductions could be achieved without sacrificing the MOE's capacity to fulfill its statutory mandate. Rather, the reduction targets were initiated by the central agencies"—that means the Premier's office—"and the MOE's responsibility was to develop strategies for reaching those targets." He goes on about the business plans and the actual warnings that Mr Bradley talked about earlier, that I won't repeat again, as these cuts were coming forward to cabinet. They were warned about impacts to the Ministry of the Environment and chose to ignore them.

So that's the backdrop here, and Mr Justice O'Connor is extremely clear that those cuts had an impact on what happened in Walkerton, ie, the ministry's ability to respond was severely limited.

The other thing that Justice O'Connor talks about is the closing of the public labs. On very short notice, all of a sudden all the municipalities had to—I think the time frame was four weeks or something like that, four to eight weeks. They didn't have to be accredited; they were

all scrambling to find a lab to test their water. And there's another myth: just the other day when I was speaking to another bill, one of the government members said, "You're the guys who closed the labs and made Walkerton use the private lab in the first place." Well, that too is not correct.

What people tend to forget that Justice O'Connor pointed out, and we don't even talk about it much here, is that not only were there four Ministry of the Environment labs which tested water; there were 13 public health labs operated by the Ministry of Health and they too were all closed, in 1996, I believe. In fact, Walkerton was using one of those Ministry of Health labs in Palmerston, I believe, until after they were closed and then they had to scramble to find a private lab. That too contributed, because of what happened with the reporting structure, as Mr Justice O'Connor said, to the events in Walkerton.

On several occasions the ministry, the minister and the Premier were warned, time and time again, that something terrible could happen. I know Mr Bradley and I were at some of the inquiry hearings. In fact, we were there the day Brenda Elliott, who had been the minister previously, was there, and when Mr Harris testified. Counsel for the inquiry was questioning Mr Harris and told him, "You know, there were at least four or five warning bells that told you directly that there could be a problem with the cuts, the downloading, the Red Tape Commission, and in particular the closing of the lab." Indeed, he cited me and two questions I had asked in this Legislature after they closed the labs on such short notice. Eva Ligeti, the then Environmental Commissioner, had pointed it out in a report as well and I pointed it out. I asked questions here in the Legislature and pointed out to the government that there was a real danger and that they should look into it. There were many, many warnings, which were cited earlier, and they were ignored.

So when Mr Stockwell, the Minister of the Environment, stands up and says it was mostly the Koebel brothers and that it could have happened under anybody and we over here have never done anything, I just want to put that to rest. When the Minister of the Environment stands up and says that, and then says, "Let's be non-partisan about this, because this is a good thing," he can't very well expect me to stand up and let those myths—and I'll call them "myths" for the purposes of being parliamentary here tonight instead of what I'd like to

say—we cannot let those myths go without some kind of correcting of the record.

I want to speak briefly about the Red Tape Commission. As I said earlier, and it was quoted in Justice O'Connor's report, indeed the Ministry of the Environment seemed to be the hardest hit. We knew that at the time. We watched it all happening and kept warning the government. It was appalling, what was going on within the ministry. Then the Red Tape Commission was brought into the world.

Mr O'Toole: It's a good commission.

Ms Churley: Yes. You say it's a good commission. It too picked on the Ministry of the Environment. The Ministry of the Environment was seen as just red tape that got in the way of doing business. It too was the hardest hit of any other ministry. The Red Tape Commission, particularly under Frank Sheehan, spent more time trying to cut important regulations from that ministry, and in fact did, than any other ministry at the time.

It's worth noting, because I know that in a couple of minutes I'm going to close for the night, while I'm referring to the Red Tape Commission: when I asked a question to the then Minister of the Environment—there have been many Ministers of the Environment; it was Dan Newman—about my bill, the Safe Drinking Water Act, and asked him if he was in favour of it and if he'd be willing to pass it, he said that it was just an example of more red tape. That was the attitude of the then Minister of the Environment. It's in Hansard. He was referring to some of the requirements in the bill, for instance the Water Advisory Council, which is part of my bill, which is now one of the things the government did adopt from mine, although it's not as thorough in terms of what that council should be doing and how it should be appointed and who should be on it.

In summary tonight I just want to give that as the backdrop. When I come back—I believe we're going to be debating this bill again on Monday—I will go into more detail about the bill itself, compare it to mine and talk about the need for public hearings clear across the province so that people can have input and so that we can make necessary amendments.

The Speaker: I thank the member. It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock on Monday.

The House adjourned at 2128.

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Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	Galt, Hon / L'hon Doug (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	Clark, Hon / L'hon Brad (PC) Minister of Labour / ministre du Travail
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Oshawa	Ouellette, Hon / L'hon Jerry J. (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Bartolucci, Rick (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	Molinari, Hon / L'hon Tina R. (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Timiskaming-Cochrane	Ramsay, David (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
Parry Sound-Muskoka	Miller, Norm (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Perth-Middlesex	Johnson, Bert (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Sorbara, Greg (L)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	Arnott, Ted (PC)
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	Flaherty, Hon / L'hon Jim (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Pupatello, Sandra (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Duncan, Dwight (L)
		York North / -Nord	Kwinter, Monte (L)
		York South-Weston / York-Sud-Weston	Munro, Julia (PC)
		York West / -Ouest	Cordiano, Joseph (L)
			Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Third Session, 37th Parliament

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Troisième session, 37^e législature

Official Report of Debates (Hansard)

Monday 4 November 2002

Journal des débats (Hansard)

Lundi 4 novembre 2002



Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 4 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 4 novembre 2002

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

SUDBURY REGIONAL HOSPITAL

Mr Rick Bartolucci (Sudbury): After several delays that have for months kept the health care providers in our community on edge, the health minister finally has in his possession the operational review of the Sudbury Regional Hospital. For months, while hydro costs have soared and with construction costs rising, the debt-ridden hospital has remained in a state of stalled, partially finished construction because this government has abdicated its responsibility and promise to ensure that our hospital becomes a referral centre for northeastern Ontario. Right now, the dormant construction site, as the seasons change in the north, has quite frankly become a symbol of how the Harris-Eves government has broken its promises and abandoned health care in our community.

Hospital administrators and staff have put forth a valiant effort, but sheer will alone cannot ensure the hospital can serve patients. Funding is needed; provincial funding is needed. The hospital asked for the operational review, Minister Clement, so that your government can see first-hand that, rather than cutting corners, you must provide the funding necessary to ensure construction reaches completion and that the level of service adequately and safely reflects the needs of northerners.

Today my community demands that you, Minister Clement, release the results of the operational review, that your government ensures the number of beds will not be further reduced, that your government provides the funding that is owing and long overdue so our community can have restored faith in your health services and construction on our hospital can again begin.

OPTOMETRISTS

Mr Rob Sampson (Mississauga Centre): I rise today to recognize an important health care profession in Ontario: optometrists. Optometrists play an important role as primary eye care providers in this province. More than four million patients visit an optometrist annually and, as you can see, I'm one of them. Optometrists not only provide prescriptions for eyeglasses; they routinely diagnose and manage eye-related diseases and conditions, and refer patients for timely treatment to special-

ists. Optometrists are helping to save health care dollars through early detection and appropriate treatment of sight-threatening conditions in children, seniors, working aged adults and the medically at risk.

At Queen's Park today, we have representatives from the Ontario Association of Optometrists. The OAO is a voluntary professional organization that represents nearly 1,000 registered optometrists in Ontario. In addition to providing resources and continuing education to its members, the OAO is committed to raising awareness of optometry and educating the public about the importance of professional eye care. Each year, for example, the OAO partners with the Ontario region of the Canadian Diabetes Association in raising awareness about the damaging effects that diabetes can have on your eyes. The OAO is also working actively with educators on the importance of good vision in school and eye examination for children. The OAO is hosting an inaugural Optometrists on Site reception later today at Queen's Park. I'd encourage all the members in the Legislature to join us at that reception this evening.

PSYCHIATRIC HOSPITALS

Mrs Lyn McLeod (Thunder Bay-Atikokan): In 1996, after the OPSEU strike, the Harris government decided it was going to get out of the business of running hospitals. Then-Minister of Health Jim Wilson promised that psychiatric hospitals and psychiatric patients would never be caught in the midst of a strike again. Yet this past spring, four of 10 psychiatric hospitals again faced the reality of striking workers, and patients in those hospitals paid a huge price. All 10 of the provincial hospitals were supposed to be transferred to either a public hospital or to a community board. In the case of six hospitals, the divestment went ahead. The money to finish the job with the other four hospitals in Thunder Bay, North Bay, Whitby and Penetanguishene was supposed to have been in the last two budgets, but the Minister of Health apparently decided that he had a better use for the money. The budget for mental health facilities went underspent by \$21 million two years ago and by more than \$52 million last year. In the meantime, patients in four psychiatric hospitals continue to experience the declining standard of care that is the inevitable consequence of this government's underfunding of its own hospitals.

The chairs of three of the hospitals' community advisory boards are here at Queen's Park today. The community advisory board at the Whitby hospital

resigned en masse last June out of sheer frustration. The Minister of Health refuses to meet with these community board members. He won't tell them why or how long the patients in their hospitals will be left hanging. The Minister of Health has apparently decided that mental health isn't a hot enough political issue to spend money on, but he can't avoid this forever. The consequences for patients will be his responsibility. It's past time for this minister to finish the job his government started six years ago.

BILL FERRIER

Mr Gilles Bisson (Timmins-James Bay): How far we have come over the last number of years as MPPs in this Legislature. I have had the pleasure today to bring to lunch Bill Ferrier, who was the member for Cochrane South from 1967 and consecutively for three elections. We had an interesting discussion about how the work in this Legislature has changed over the years. He hearkened back to the days when we didn't have time allocation motions in this House and you really did have debate, where members came to this House and had to convince each other of their ideas, and that the House, in some ways, used to work, I would argue, probably more progressively than it does.

He also talked about how they did the work as local MPPs in their own ridings back then. Bill talked about how Jean, his wife, who just passed away unfortunately about a couple of weeks ago, was his constituency assistant because members back then in 1967 and onwards had no constituency staff, had no constituency offices, had no assistance whatsoever. They used to sit in this House, write their letters themselves on their desk. They used to get on the train to get back to their ridings up in northern Ontario because travel was not paid for to the extent that it is now for members, and how when he got back to his constituency late on Friday night or on Saturday morning, basically Jean had everything laid out for him—the people he had to speak with, the people she had talked to, and how the phone rang all the time at the home—again, just the family to deal with that. I just reflect back to 1967 and say, we've learned a couple of things since then. We are certainly more privileged as members, but I would like to get back to a time when we don't have time allocation motions, such as the time when Bill was here.

The Speaker (Hon Gary Carr): Just before the next member begins, maybe we could recognize our former colleague, Mr Bill Ferrier, from the riding of Cochrane South. He's in the members' gallery west. Would all the members please welcome our honoured colleague.

Applause.

MISSISSAUGA ARTS AWARDS

Mrs Margaret Marland (Mississauga South): The Mississauga Arts Council honoured a dazzling array of talent at this year's Mississauga Arts Awards Gala Night, held at the Living Arts Centre on October 16, 2002.

Recognizing both established and emerging talent in the visual, new media, literary and performing arts, this spectacular evening provided an exciting preview of our city's bright artistic future. From an impressive field of 100 nominees and 20 finalists the 2002 winners were: Juliana Schewe, visual artist—emerging; Tom La Pierre, visual artist—established; Patrick Thornton, new media artist—emerging; Rachel Sa, literary artist—emerging; Robert Sawyer, literary artist—established; Christopher Miranda, performing artist, individual—emerging; Rik Emmett, performing artist, individual—established; Cow Over Moon, performing arts group—emerging; Mississauga Players, performing arts group—established.

I was honoured to present the Laurie Pallett Patron of the Arts Award to Bette Pauli, who has gone beyond the call of duty over many years to help fellow artists.

On behalf of the Premier of Ontario and all residents of Mississauga, I extend our congratulations and appreciation to these fine artists who so deeply enrich our lives. We are also grateful for the leadership from the corporate community and all the sponsors and supporters who make these awards possible.

1340

LUNG CANCER AWARENESS MONTH

Mr David Caplan (Don Valley East): In Canada this year alone, almost 21,000 Canadians will be diagnosed with lung cancer, and approximately 80% will die from this disease.

Unfortunately, for people diagnosed with lung cancer, treatment is limited and support is minimal. People who have been touched by lung cancer call it the "invisible killer" because it receives little public attention and lower amounts of funding when compared to research dollars spent on other types of cancer. They feel that this reflects the common misconception that lung cancer is simply a disease of smokers.

ALCASE, the Alliance for Lung Cancer Awareness, Support and Education, has recently been established as an organization to increase awareness about lung cancer, to support patients who are currently living with lung cancer and individuals who care for them, and to educate the public about the disease.

As part of their efforts, ALCASE has proclaimed November as Lung Cancer Awareness Month. I join them in urging the provincial government to lead the way in educating its citizens about the risk of lung cancer and the resources available to them. With more knowledge, more patients can be diagnosed in the early stages, when the chance of long-term survival is as high as 85%.

I hope members of this Legislature will take the time to read the information that ALCASE has provided to all members for your reference. I want to thank the board president, Ralph Gouda, and Laurie Bass, a member of their public relations committee and daughter of one of my constituents, Wayne Jacoby, for ensuring this valuable message has been brought to our attention. I want to wish them every success in their efforts in attracting needed attention to this killer disease.

At this point, on a point of order, Mr Speaker, I would seek unanimous consent of the House for members to wear the white ribbon supplied by ALCASE to all members in support of Lung Cancer Awareness Month.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed? Agreed. The honourable member has consent.

CLARINGTON GREEN GAELS

Mr John O'Toole (Durham): I am pleased to rise and put on the record an outstanding success of the Clarington Green Gaels Junior B lacrosse team. This past summer, they captured the Founders Cup Junior B championship in Halton Hills. It was their third Founders Cup in the past five years. The Green Gaels also won the championship in 1998 and 2000.

The Clarington Green Gaels are an excellent example of the importance that residents of Durham riding place on sports and fitness. The Green Gaels are excellent ambassadors for our community and a source of pride to the many fans who attend the home games at the Garnet B. Rickard complex in Bowmanville. The Gaels were the underdogs this year after losing to the Spartan Warriors of St Catharines in Ontario Lacrosse Association finals, but they, like me, didn't give up. In the championship, they won five games in five days. On their way to winning the Founders Cup, the Green Gaels defeated New Westminster, Edmonton and Winnipeg.

Congratulations to head coach Brad MacArthur, his staff and of course the players who worked so hard this past season. Among the members of the team who were recognized with awards from the tournament were Marvin Barr, who was declared the most valuable player, and goalie Rick Passfield, who was named to the all-star team. Also named as a tournament all-star was Zach Greer. Congratulations also to Doug Trudeau, who scored the final two goals in the championship game.

The Green Gaels of Clarington have worked hard in this championship season, and as their MPP I share this with them and with the House today: a great achievement for the Green Gaels lacrosse team.

HYDRO RATES

Mrs Sandra Papatello (Windsor West): Families across Ontario today are wondering how they are going to pay their hydro bills. Our offices are being flooded with phone calls, e-mails and letters from people who cannot believe how much the Harris-Eves government has bungled the hydro file.

It seems some Tory members can't believe it either. Gary Carr thinks you guys messed up. Frank Mazzilli says your incompetence is hurting people in London. Even Cam Jackson, the \$104,000 man, can't believe how expensive hydro bills are. When a guy who spends more than \$800 on a meal thinks the rates are too high, they're shockingly high.

But who is standing up for families in Waterloo-Wellington who are being gouged by these out-of-control

hydro rates? It's not Ted Amott. He hasn't said the word "hydro" in this House since 1996. Who is standing up for families in Ottawa-Orléans? Brian Coburn has never said the word "hydro" in this House. How about Gerry Martiniuk over in Cambridge? He's never said the word "hydro." Who is fighting for families in London Centre? It's not Dianne Cunningham. She hasn't talked about hydro since 1993. Gary Stewart hasn't talked about hydro since the year 2000. Tina Molinari never said the word in this House, neither has David Tsubouchi, Jerry Ouellette, Morley Kells or John Snobelen.

There's only one leader and there's only one party fighting for families on these outrageous hydro bills. That's Dalton McGuinty and the Ontario Liberal Party.

HELLENIC CARE FOR SENIORS

Ms Marilyn Mushinski (Scarborough Centre): I'm pleased to rise in this House today to thank my colleague, the Minister of Health and Long-Term Care, for visiting my riding of Scarborough Centre last Wednesday. I especially want to thank him for attending the groundbreaking of the new Hellenic Care for Seniors long-term-care facility located at Lawrence and Kennedy in my riding. The new Hellenic home will consist of 128 new beds for the seniors of Scarborough. Other seniors will be drawn from other areas to this example of first-rate nursing home care.

I was pleased to be joined at this important event not only by the minister but by His Eminence Metropolitan Archbishop Sotirios. We had a good chat.

The new seniors' home is a classic example of co-operation between the Ernie Eves government and the diverse communities that make up the Scarborough I am so pleased to serve in this Legislature.

It's very important to recognize the great strides that are being taken by this government for our seniors. The groundbreaking is part of a bigger plan being put in place by my Scarborough colleague the Honourable Dan Newman, Associate Minister of Health and Long-Term Care. Altogether, new and redeveloped beds are being created across Ontario as part of the Ernie Eves government's unprecedented \$1.2-billion investment in long-term care for the seniors of today and tomorrow. The groundbreaking is an example of good government at work in our communities.

VISITORS

Mr Michael Gravelle (Thunder Bay-Superior North): On a point of order, Mr Speaker: I want to introduce to the Legislature some special guests we have in from Nipigon who are sitting in the members' west gallery. We have Levina Collins, project coordinator for the township of Nipigon economic development office, a great hard worker. She's accompanied by Nyomie Ray, who was a summer student, I believe, with her office this summer, and Courtney Wellman, who is actually from Nepean, Ontario. Welcome to the Legislature. They're great hard workers for the township of Nipigon.

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: I'm presenting on behalf of my colleague Tony Martin, who is at the Kimberly Rogers inquest today, Mr Jim Steele, who is originally from Timmins but now lives in Sault Ste Marie and who is the father of Alexander, a page in our Legislative Assembly. I'd like to welcome him to the Legislature today.

Mr David Christopherson (Hamilton West): On a point of order, Speaker: I would ask your indulgence and that of the members of the House to welcome my mother, June Christopherson, to the chamber. Along with my mom is our family friend Beatrice Harrison, and Zack Dayler, who is a co-op student in my office. I take particular pride in also recognizing my mom's brother, Uncle Chuck Clapham, who is a World War II veteran. Thanks to him, we get to be here today. Thank you all.

The Speaker (Hon Gary Carr): I thank the honourable member and we welcome his mother here.

The member for Davenport on a point of order.

Mr Tony Ruprecht (Davenport): On the subject, Mr Speaker: our page Grant Gonzales's mother and sister are here, Merlina Gonzales and Glenda Gonzales, and Sheryl Hennessey, the godmother of our page Grant Gonzales. Let's welcome them as well.

INTRODUCTION OF BILLS

GRAFFITI AND ADVERTISING SIGNS CONTROL ACT, 2002

LOI DE 2002 SUR LE CONTRÔLE DES GRAFFITIS ET DES PANNEAUX PUBLICITAIRES

Mr Kells moved first reading of the following bill:

Bill 205, An Act to control graffiti on public and private property and advertising signs on public property / *Projet de loi 205, Loi visant à contrôler les graffitis sur des biens publics et privés et des panneaux publicitaires sur des biens publics.*

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for short statement?

Mr Morley Kells (Etobicoke-Lakeshore): The bill prohibits applying or affixing graffiti to any public or private property and prohibits erecting or attaching advertising signs to public property. If a municipality enacts a bylaw in respect of the control of graffiti and advertising signs, insofar as the bylaw is more stringent, the bylaw prevails over the bill.

TRANSPARENCY IN PUBLIC MATTERS ACT, 2002 LOI DE 2002 SUR LA TRANSPARENCE DES QUESTIONS D'INTÉRÊT PUBLIC

Ms Di Cocco moved first reading of the following bill:

Bill 206, An Act to require open meetings for provincial and municipal boards, commissions and other public bodies / *Projet de loi 206, Loi exigeant des réunions publiques pour des commissions et conseils provinciaux et municipaux ainsi que d'autres organismes publics.*

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for short statement?

Ms Caroline Di Cocco (Sarnia-Lambton): This bill requires that public bodies hold meetings which are open to the public. The public can only be excluded from meetings of the body if certain specified types of matters are going to be discussed by that body. Minutes of these meetings, open to the public, have to be made available to the public in a timely fashion and must contain sufficient detail.

The body is also required to set rules respecting public notice of its meetings and meetings of its committees, the availability of these minutes to the public and the availability to the public of the body's rules. The body is required to appoint a person responsible for compliance with the rules, and section 8 imposes a penalty for failure to comply with the requirements for notices, minutes and rules.

MOTIONS

HOUSE SITTINGS

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move that pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday, November 4, Tuesday, November 5, Wednesday, November 6, and Thursday, November 7, 2002, for the purpose of considering government business.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1354 to 1359.

The Speaker: Would the members kindly take their seats, please?

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic
Arnott, Ted
Baird, John R.
Bartolucci, Rick
Beaubien, Marcel
Bountrogianni, Marie
Boyer, Claudette

Flaherty, Jim
Galt, Doug
Gerretsen, John
Gilchrist, Steve
Gill, Raminder
Gravelle, Michael
Hastings, John

Molinari, Tina R.
Mushinski, Marilyn
Newman, Dan
O'Toole, John
Parsons, Ernie
Patten, Richard
Phillips, Gerry

Bradley, James J.
Caplan, David
Chudleigh, Ted
Clark, Brad
Cleary, John C.
Clement, Tony
Coburn, Brian
Colle, Mike
Curling, Alvin
DeFaria, Carl
Di Cocco, Caroline
Dombrowsky, Leona
Duncan, Dwight
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda

Hodgson, Chris
Hudak, Tim
Jackson, Cameron
Johns, Helen
Johnson, Bert
Kells, Morley
Klees, Frank
Kwinter, Monte
Marland, Margaret
Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank
McDonald, AL
McLeod, Lyn
McMeekin, Ted
Miller, Norm

Pupatello, Sandra
Ramsay, David
Ruprecht, Tony
Sampson, Rob
Sergio, Mario
Sorbara, Greg
Spina, Joseph
Sterling, Norman W.
Stockwell, Chris
Tascona, Joseph N.
Tsubouchi, David H.
Turnbull, David
Wettlaufer, Wayne
Witmer, Elizabeth
Wood, Bob

There are a lot of consumers in Ontario who are not just concerned about the bills they have in their hands but about what the future holds, whether that be a working family, a small business or a farm operator. We understand that concern. The Premier has requested that I look at the issue of rebates and what can be done to acknowledge that this is really a problem.

I would indicate in strong terms to the member opposite that the view of the government, when we introduced Bill 35, was that we had to keep hydro rates lower than they would have been if we had taken no action.

Interjection.

Hon Mr Baird: If the member opposite checks the Hansard from that committee, that's actually what they'll find. In fact, we haven't had public power at cost in this province; we've actually had public power at cost minus \$38 billion.

Mrs Pupatello: I guess you're telling us it would be worse if you had done nothing.

I have in my hands a press release issued by then-Minister of Energy, Jim Wilson, two months before the market opening. It promises right there in a big, bold title, "Customers to Save \$3-\$6 Billion Under Electricity Competition." The customers are supposed to save, and he called that estimate conservative. We call it wrong.

On June 25, Ernie Eves stood in that spot and promised, "There is not going to be an electricity shortage and higher and higher prices." Wrong again.

The Harris-Eves government broke its promise to consumers about lower rates. You broke your promise to investors of greater certainty, and you've broken your promise of a reliable supply of new electricity. Given all of these promises, given your bungling, tell me why anyone should trust Ernie Eves to fix the hydro mess that he created?

Hon Mr Baird: I certainly acknowledge the concerns that families and small business people right across the province of Ontario have in this issue. The Premier has asked that we look into it and what has caused these increases and report back to him.

I would indicate the analysis done and quoted by my colleague was by Dr Fred Lazar, a professor of economics at York University, who looked at what the cost would be had we undertaken no change in Ontario after a substantial freeze in rates by successive governments, and look at what they would be under the new model.

The member opposite quotes Jim Wilson. I'm going to quote Dalton McGuinty: "Rates may very well have to go up. We've been getting a bit of a free ride here in terms of the hydro debt that Ontario Hydro has amassed"—and that's not Jim Wilson; that's your own leader, Dalton McGuinty.

The Speaker (Hon Gary Carr): Final supplementary.

Mrs Pupatello: I'll have to be sure to tell my constituents that that's the kind of answer we get from the Minister of Energy: a completely unsympathetic ear to people who cannot afford to pay their bills. It's that simple. Individuals in their homes and businesses cannot

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Bisson, Gilles
Hampton, Howard

Kormos, Peter
Marchese, Rosario

Martel, Shelley
Prue, Michael

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 68; the nays are 6.

The Speaker: I declare the motion carried.

VISITORS

The Speaker (Hon Gary Carr): Just before we begin with oral questions, we have with us today in the Speaker's gallery the parliamentary interns from the federal program in Ottawa. Please join me in welcoming our special guests.

ORAL QUESTIONS

HYDRO RATES

Mrs Sandra Pupatello (Windsor West): My question is for the Minister of Energy. I have in my hands a copy of Bill 35. You remember that act: it was the one in which Ernie Eves, Jim Wilson and Mike Harris promised that consumers would actually be protected, and that would lower hydro rates. So that no one was confused, they actually named that piece of legislation "An Act to create jobs and protect consumers by promoting low-cost energy through competition...." You remember that bill.

Across the province, employers big and small are considering layoffs so that they can pay their utility bills. The rates in fact are going up, not down, and consumers are saying that they've been betrayed by you. Instead of being protected, they are being gouged by your government. Why did you and Ernie Eves bungle the opening of the market and break your promise to taxpayers?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I'm certainly familiar with Bill 35. I sat on that legislative committee. I will suggest—

Interjection: We can't hear you.

Hon Mr Baird: Then maybe you should listen.

pay these increases. We cannot get a sympathetic ear from Premier Ernie Eves. This is what he said: "The reality is, nobody likes to pay more for anything."

That's not what people in Ontario want to hear, Minister. Talk about being out of touch. Ernie Eves doesn't get it. Rather than working to find solutions, he's looking for scapegoats. His first instance is to blame Mike Harris. Wrong. It was Ernie Eves and not Mike Harris. Now he wants to blame the OPG. Guess what? He is OPG. He's the only shareholder. Besides, Ernie Eves himself was warned by the provincial government about problems at Pickering. The auditor told him and he did nothing. He tries to blame the management of OPG.

Ernie Eves looks like he's looking after his friends, like Bill Farlinger, the \$300,000-a-year man. While the Premier blames and looks for scapegoats, the public—

The Speaker: I'm afraid the member's time is up.

Hon Mr Baird: The member opposite never lets the facts get in the way of a good rant. The Premier is very concerned about this issue. He's concerned about the effects on working families. He's concerned about farmers who are concerned about the future viability of their operation and about small businesses around Ontario. He's asked me to report back in short order with respect to what we can do to address those concerns, whether it's through the rebate or through others. The member opposite is dead wrong. There is a huge amount of concern that we have out there, not just for working families but for businesses in the province.

The member opposite didn't quote those quotes because they don't suit her own partisan purposes. The member opposite neglects to talk about how her own party was trolling for bucks on Bay Street, saying that she and Dalton McGuinty and the Ontario Liberal Party have been consistent supporters of the move to an open market. This doesn't fit the arguments of the member opposite. What did she say? "Throughout Ontario's electricity restructuring process, Dalton and the Ontario Liberals have been consistent supporters of the move to an open market." Stand—

The Speaker: I'm afraid the minister's time is up. Come to order, please.

Ms Caroline Di Cocco (Sarnia-Lambton): Minister, when your government was orchestrating this electricity mess, there were assurances that with the market opening there were going to be lower prices, plenty of supply, and stability from your electricity brainchild. I have a letter from the Inn of the Good Shepherd in my riding that says, "Utility bills' arrears have been the number one factor contributing to the growing problem of homelessness during this past year." I've heard from people on fixed incomes, on disability and from small businesses who don't know where they can turn. Mike from Corunna just wrote to me, saying that his bill for the low-usage period has gone up 100%, increased.

Dorothy, whose husband needs oxygen, a night cyclist and air, had her bill go from \$102 to \$258. Ramin, a small business owner, whose hydro jumped from \$1,884 for two months to \$1,500 per month.

Minister, how do you explain this mess? How and when are you going to fix it?

1410

Hon Mr Baird: I certainly share the concerns of anyone on a modest or fixed income who has concerns with respect to their hydro bill. That's why the Premier has asked that we look at the rebate and how we can provide relief to consumers.

Interjection.

Hon Mr Baird: People who pay 5.5 cents shouldn't get a rebate as if they pay 8.3 cents. But I say to the member for Sarnia-Lambton, we are looking at the issue.

The member opposite has said that she believes homelessness has been fuelled for the period of a year. Well, rates were frozen for seven years, until May 1. They went down in May, they went down in June and residents wouldn't have received their bills for July and August until September, so I suggest there were probably a number of other contributing factors to that.

We do have a concern with supply in Ontario. I acknowledge that. The member opposite might want to explain her personal view that we should close down 24% of the production in the province as their answer to the supply problem. The lights will be out, there will be brownouts and they will be brought to the people by the member for Sarnia-Lambton who would put 300 of her own constituents out of a job. That's quite an economic development initiative for Sarnia-Lambton.

The Speaker: Supplementary?

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Thomas Green of Tweed is 64 years old. He heats his house with electricity, and he's worried that he won't be able to pay his bills this winter. His hydro rate has more than doubled since June. This man has worked his entire life, and on the eve of his retirement, he expects that his hydro bill will be almost \$700. In another case, a family on social assistance because of a disability must choose between paying the rent or paying their hydro bill. Their hydro bill for July was \$132; in September they got a whopping \$480 bill.

It is unacceptable that the Premier has dismissed these issues when he says, "No one likes to pay higher prices." His indifference and your incompetence are forcing people to choose between buying food or paying the rent. What are you going to do for families on fixed incomes who cannot pay their hydro bills?

Hon Mr Baird: We have a tremendous concern about those on fixed and modest incomes, whether they be social assistance recipients, seniors or those people with modest incomes who are working. The Premier has asked me to look at it.

The member opposite talked about bill increases in June. She would want to be clear, though, that while prices were frozen for seven years in the province of Ontario, she would want to say of course that they went down by more than a third in May and almost a similar amount in June. She would want to be honest to customers.

I do find it passing strange that this member represents a party that on second reading, agreement in principle,

voted for Bill 35. She would want to ask that. I know this member opposite certainly has problems managing her own household finances, but at least her constituents aren't seeking public redress from the Board of Internal Economy.

The Speaker: Final supplementary.

Mrs Marie Bountrogianni (Hamilton Mountain): Minister of Energy, we know—

Interjections.

The Speaker: The member for Hamilton Mountain has the floor. Come to order.

Interjection.

The Speaker: That means you, member for Windsor-St Clair, please. It's your member asking the question. The member for Hamilton-Mountain, please.

Mrs Bountrogianni: Minister of Energy, let's stick to the topic at hand, and that is hydro prices for people on fixed incomes. No one is doubting your personal concern, Minister, but we are doubting the concern of the Premier when he says, "The reality is, nobody likes to pay more for anything any more." That shows what he truly believes. This is not about liking to pay more. The Premier should be ashamed to even suggest such a thing.

People's bills have more than doubled. On Saturday, within one hour on Hamilton Mountain, over 3,000 people signed a petition protesting your sale of Hydro One and asking for the immediate release of the rebate. People, particularly senior citizens, are worried that they're going to lose their homes. Minister, will you end this assault on the people of Ontario now?

Hon Mr Baird: I do appreciate the member opposite's comments that "No one is doubting your personal concern." In fact, her own colleagues did that, and I'd like to acknowledge the member opposite understands that all of us in this place do come to Queen's Park to try to improve the lives of our constituents and to do a better job to improve their lives.

The Premier said publicly in very strong terms on both Thursday and Friday that he was tremendously concerned about those on fixed incomes. I'm wondering why the member opposite doesn't want to use those quotes.

The Premier is concerned about this. He has asked me to look into both the rebate and the situation that those on fixed incomes are facing. We acknowledge that whether it's for small businesses, working families or farm operators, they're concerned not just about the bills they've got in front of them but they're also concerned about the future. In short order, we'll be coming forward with some responses.

The Speaker: New question. The leader of the third party.

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Energy. The number of Conservative MPPs who oppose the skyrocketing hydro bills that come with hydro deregulation is growing by leaps and bounds. Last week it was Gary Carr. Now it's Frank Mazzilli, Cam Jackson and—oh, yes—the Minister of Transportation, Brad Clark; he'd like to be in there, too.

Minister, when are you going to start listening to your own MPPs? They're telling you that talking about a one-time rebate, trying to hide the increases in hydro bills, won't work. They want a rate freeze. They want hydro rates to go back to what they were a year ago. Will you do that, Minister? Will you listen to your own backbench MPPs and terminate hydro deregulation?

Hon Mr Baird: I'll say to the leader of the third party that at least I can respect him on this issue. He has been a consistent fighter on this issue. He's not like Dalton McGuinty and the Ontario Liberal Party—

Interjections.

Hon Mr Baird: You had to stand in your place and vote that Bill 35 in principle—

The Speaker: Order. Take your seat. It's getting too noisy in here.

Hon Mr Baird: When the opportunity came to stand and be counted, the leader of the third party was there, leading the fight. But who was standing up in favour of competition, an open market and collecting \$350 from anyone on Bay Street who would agree with them? It was Dalton McGuinty and the Ontario Liberal Party.

Mr Hampton: I want to return to the question, which you didn't answer. I want to put it in the words of Garfield Dunlop's campaign manager—

Interjections.

The Speaker: Will the member take his seat? This is the last warning for the member for Windsor-St Clair. If I get up again, he'll be out for the day. I apologize. You get to start over. I'm just warning the member for Windsor-St Clair. He got a last warning. The leader of the third party may start over.

Mr Hampton: I want to refer to another MPP's—Garfield Dunlop's—campaign manager, Mr Bob Kehoe, who says, "I'm a lifelong Conservative." He says in the Orillia Packet and Times that hydroelectricity is an essential public service. He says, "Certain things such as education, health care and the electricity system should remain in the public control." He says, "I don't believe we should be selling off and opening up electricity to private interests. It should be a public service, owned by taxpayers for taxpayers." Get this: like the MPP for Oakville, he is circulating a petition that demands the government dispend with the competitive electricity market and revert to the system that was in place before May 1.

I ask the question again, Minister: when are you going to start listening to your own Conservative MPPs, your own campaign managers, and terminate hydro deregulation?

Hon Mr Baird: We certainly hear the concerns, whether they be members on this side of the House, small business people or a working family struggling to pay the bill they've got on their kitchen table today, or their concern for the future with the bill that will be coming in next month. We're looking at how we deal with a rebate mechanism that would provide some support to these people who are concerned about themselves, their future and their family. We're also concerned about what holds for the future. The Premier has asked me to look into it,

and I've committed to do that in short order, because the Premier, along with members on this side of the House, shares that concern.

I do again at least acknowledge that the member opposite has been consistent. Look at what his own colleague said. The official spokesman for Dalton McGuinty and the Ontario Liberal Party: "Let me be clear. We need a competitive marketplace. The electricity market that we as Liberals envisage is one where we see a competitive market in the generation of electricity." At least the honourable member has been consistent on this issue.

1420

Mr Hampton: Minister, I hear both you and the Liberals talking about a hydro rebate. You would know this: just this week, the Society for Prevention of Cruelty to Animals in Ontario has had to lay off seven of their staff because their hydro bill has gone from \$5,000 a month to \$11,000 a month. What good would a \$200 or \$300 hydro rebate do for them? What good would it do for the majority of small businesses in this province? Virtually nothing.

The issue is this: hydro deregulation, no matter where it's been tried, has driven up people's hydro bills. That's what happened in California, that's what happened in Alberta, that's what happened in Montana and that's what's happening in Ontario. So no amount of playing with money over here or trying to bribe taxpayers with their own money through a rebate is going to do the job. Will you recognize hydro deregulation provides too many opportunities for price-fixing? It provides too many opportunities for market manipulation by companies like Enron. What you need to do is terminate—

The Speaker: The member's time is up.

Hon Mr Baird: Like I said, we certainly share the concerns and the Premier has asked me to look into it. We'll continue to do that in short order.

The member opposite spoke of one organization, a charitable organization, where he said they would receive only a \$200 rebate. Yet if they had to let go seven people, if they were making \$15,000 a year, that would be \$75,000. I would suggest that a rebate would be greater than \$200 for someone who had to slash expenditures by \$75,000. I think he would acknowledge that if he was being straightforward.

We are looking at the issue. We feel the concern that people of Ontario have in this issue. The reality is the member opposite is driving around Ontario in a bus preaching public power at cost. We have not had public power at cost in the province of Ontario for years. While the leader of the third party and his band of socialists sat on the executive council, they borrowed \$3 billion. Who is going to pay that? His children and his children's children. We don't think that was either sustainable or responsible for the future.

The Speaker: The minister's time is up.

New question, the leader of the third party again.

Mr Hampton: To the Minister of Energy, yes, I go around Ontario pointing out that we should have a regulated hydro system. It should be hydroelectricity at

cost. The reason I do is because if I look at, again, California, if I look at Alberta, if I look at Montana and if I look at what's happened in Ontario, deregulated hydro, privatized hydro means you get a whole bunch of profit-takers who all want to get their hands into the consumer's pocket and take some money, and you get Enron-style corporations that want to manipulate the electricity supply, create an artificial electricity shortage, drive up the price and gouge consumers. I don't think anybody should entertain hydro deregulation the way Conservatives and Liberals have.

So I say to you again, Minister, recognize that rebates won't do the trick. The kinds of incentives that the Liberals are talking about won't do the trick. End hydro deregulation. Recognize this is an essential public service that should be owned and controlled by the people.

Hon Mr Baird: We recognize that the policy the member opposite used was not successful. What he continued to do when he was in government was to take the Ontario Hydro credit card and borrow more and more money each and every year. He talks about public power at cost, but his actions speak louder than his words.

We're looking at what is the responsible approach to take for this year and for the years ahead to ensure that we can have a ready supply of safe and affordable electricity for the people of Ontario. Whether it's for working families, small businesses, farm operators or large industry, it's important for the people of Ontario. We long ago lost the plan that was envisaged with respect to public power at cost. That's not even a policy that he supported. We are looking at whether it's the cost of generation, what could be done with the rebate. We're also looking at what the reasons are for other bill increases to see what we can do to help acknowledge what is a real concern for the people of Ontario.

Mr Hampton: Minister, I hear you on the one hand saying that you believe hydro prices may have to rise higher. That was your statement in estimates committee, that hydro rates were unrealistically low and they might have to go higher to entice private investors in. I hear the Liberal energy critic saying that you may need to provide tax incentives or some other enticement to the Enrons and the Brascans, as if they're not making enough money already, to entice them into the province.

How much taxpayers' money are you and the Liberals prepared to spend? How much taxpayers' money are you and the Liberals prepared to waste trying to entice the Brascans, the Sithe Energies and the Enrons to build profitable, profit-driven hydro generating stations in Ontario? How much are you prepared to spend, rather than doing what you should do: terminate deregulation?

Hon Mr Baird: I've corrected the leader of the third party before and I'll do it again. He should check the Hansard. I said no such thing. He knows it and I know it. People can check the written transcripts of that committee. He knows I never said it and he should be straightforward with the people of Ontario.

What the member opposite is asking is, how much would we spend? We won't put Ontario into an

\$11-billion deficit; we won't allow a \$3-billion increase in such a short period of time on the Ontario Hydro debt as he did when he was in power; we won't allow it to be acceptable in Ontario to go from spending \$4 billion a year on interest to more than \$9 billion, as he and his party did in the province of Ontario. But at least I can look the member in the eye and know that he's been consistent.

The members opposite said they didn't vote in favour of Bill 35. On June 25, 1998, on second reading, agreement in principle on the bill, what was the vote count? It was 60 to 10. New Democrats were the only ones who stood up against competition. The Liberals are strongly in favour of this policy.

ONTARIO DISABILITY SUPPORT PROGRAM

Mr Ernie Parsons (Prince Edward-Hastings): My question is for the Minister of Community, Family and Children's Services. Dalton McGuinty often speaks of the just-in-time families who live in our communities. These are families who, faced with an unexpected bill like a car repair, are cast into financially dire straits. Often, for them, the only discretionary funds are for food. You can just imagine the effect on these families of the new electricity bills from your deregulated environment. You know—you should know—the absolutely devastating effect on Ontarians who are recipients of ODSP. These are people who are already, at the absolute maximum, \$7,000 below the poverty level in this province. They come to me with a question that I'm going to pass on to you for your answer. They say to me, "This month, should we pay our electricity bill or should we buy groceries?"

Minister, what is the answer that you would like me to pass on to these citizens on ODSP?

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I thank my colleague from the Liberal Party for the question. As he will know, our government is very concerned about people with disabilities in Ontario, that's why it was our government that removed those with disabilities from the welfare file and created the Ontario disability support plan. It's also our government that was the first government to introduce the Ontarians with Disabilities Act. So we understand the challenges that those with disabilities face in Ontario. We've made great efforts to try to improve circumstances for their lives.

At present, gas and hydro expenses are covered under the shelter allowance. In extraordinary cases, caseworkers can issue a cheque to cover the actual cost of hydro or any other unexpected expense. We believe that no one in the circumstance of unexpected challenges should lose their home or place to live. That is why this government does already have in place provisions to deal with extraordinary costs, including paying for electricity.

Mr Parsons: Minister, I and others are disappointed in that answer. You have sent these people to poverty. It

is a shameful reflection on this province, on how you handle Ontarians with disabilities.

Hon Mrs Elliott: Is it?

1430

Mr Parsons: Please let me finish, Minister. This is not funny. They are choosing between electricity and food. Certainly there is a discretionary fund, but you capped the non-health discretionary funds that municipalities have to give out. I'm asking you—and I'm almost embarrassed to ask the question—if you will immediately raise the ODSP to the poverty level. It should be far above, but would you simply move it to the poverty level and remove these people from making the decision of do they buy food or do they have heat and electricity in their home. Minister, their increases do not begin to match the increases caused by the electricity gouging that is taking place.

Hon Mrs Elliott: While I tried to be very clear in my answer; I will try again. Perhaps I do need to speak slowly so the member across can understand what I said. I said that this government cares. We already have measures in place to deal with extraordinary circumstances for those who are on fixed incomes under the Ontario disability support plan. I said, and I will repeat, that in extraordinary circumstances caseworkers can issue a cheque to cover the actual expenses of hydro or any other unexpected expense. We have provisions in place to deal with extraordinary costs, including costs to keep electricity running.

KYOTO PROTOCOL

Mr Garfield Dunlop (Simcoe North): My question today is for the Minister of the Environment. Basically, I'd like to—

Interjections.

The Speaker (Hon Gary Carr): Order. Give the member the chance to ask the question, please.

Interjections.

The Speaker: Order. The member for Simcoe North has the floor.

Mr Dunlop: My question is for the Minister of the Environment. I'd like him, if he could, to give us an update on what's happening with Kyoto at the present time.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Obviously, some members opposite don't think it's an important issue facing the province or the country today, and I do. Considering the recent events and the ministers of environment meeting in Halifax, that a request that the federal government have a first ministers' meeting was refused by the Prime Minister, it was disturbing to say the least. The impact of Kyoto, I think, has been universally accepted around this country, that the impact statements and the studies provided by the federal government are weak, not completely fulsome, and the questions that have been put by the provinces have not been answered. I was very, very, encouraged to read that the public has changed its

mind dramatically and that they would like some fulsome information too with respect to this. I'd like to follow that up, hopefully, in the supplementary.

Mr Dunlop: Minister, can you update us on what the federal government is actually trying to do before the Christmas season? Is it possible to get that answer? There seems to be a lot of dialogue floating around, but everybody wants to know exactly what our federal government is actually up to before the Christmas season begins.

Hon Mr Stockwell: The provinces at the last meeting were very clear. They suggested to the federal government that they need more explanation on exactly what Kyoto means: costs, impact studies, megaton reductions, credits etc. I know we stood in this House last week and there was much ballyhoo from the opposite side about 70% or 80% of the public supporting Kyoto, and they were prepared to sign last week. Both leaders suggested we should sign on to Kyoto.

We've discovered that maybe that just isn't the case. Maybe the public in the province of Ontario have taken a sober second look. They'd like to know the impacts cost. They'd like to know the job cost. They'd like to know the investment cost. They'd like to know what the economic impact is to the people of the province of Ontario. So I can only take a large sigh of relief that this government decided not to follow the instructions of those two parties opposite, listened to what they thought would be the best approach to take and—that's my leadership—now today the public said, "Boy, maybe the Conservatives were right. Before we buy a pig in a poke, maybe we should examine this project."

HYDRO RATES

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): My question is for the beleaguered Minister of Energy. Hydro from a different perspective: we've a very significant local problem impacting the Waterdown Legion and our precious war veterans. Since deregulation of the hydro market, the Waterdown Legion's hydro bill has climbed 149%. Minister, the Waterdown Legion is, as you know, a charitable organization. The impact of this 149% increase is simply devastating, as I suspect it is with other legions across the province. Here's what Legion treasurer Gary Titley told the Flamborough Post last week: "The increases are having an effect on the way the legion does business. We've had to reassess our commitment to our community just to meet projected utility costs."

Minister, this isn't right. Will you stand in your place today and tell these veterans what your government plans to do to help them?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): Providing supports to organizations, to individuals, to working families and small businesses in the province is tremendously important for the people of Ontario. It's tremendously important for their government. The Premier has asked me to review the whole issue of rebates and what can be

done to help address these concerns with respect to taxpayers in the province of Ontario, and that's what we're doing.

The member opposite may want to ask his own official spokesman, his own party critic, Sean Conway, who was quoted in the *Ottawa Citizen*: "Conway said Ontarians paid artificially low electricity prices for years while the provincially owned power utility piled up billions of dollars in debt." We acknowledge there are concerns out there. We're working on solutions. I will say to the member opposite that the old way, where we simply took out the Ontario Hydro credit card and borrowed money from our children and our grandchildren, is not the way to go. It's not what anyone in the province would envisage.

Mr McMeekin: Artificially low? These rates are up 149%, for goodness' sake, and now, just a week before Remembrance Day, our Waterdown war veterans may have to sacrifice significant community work simply to pay their hydro bills.

Minister, our war veterans are frustrated and angry with your government. Don't take my word for it. Here's what Gary Titley said further in the article I quoted earlier: "Other businesses wouldn't be able to get away with this. This is mismanagement. Someone was asleep at the wheel."

When will you finally admit that your government's hydro policy is not working: not working for residential consumers, not working for small business consumers, not working for Ontario charities and not working, as we discovered today, for our war veterans?

Hon Mr Baird: Obviously it's a tremendous concern when any community organization like the Royal Canadian Legion, which provides excellent services to a lot of vulnerable people, including veterans and other community support groups, is facing some significant financial challenges. We acknowledge that, and we are looking at what we can do in terms of a rebate mechanism that would provide a measure of relief and support for this group, for working families, for farmers, for small business people and for industry in the province.

When the member opposite stands in his place and speaks against deregulation, his own party, the Liberal Party of Ontario, and his leader, Dalton McGuinty, stood in their place and voted in favour of Bill 35 in principle in 1998. And what did Michael Bryant, the critic, say just last week? "Our position has not changed since 1997." I know he'd want to be honest to his constituents and point that out.

NURSE PRACTITIONERS

Mr Ted Arnott (Waterloo-Wellington): My question is for the Minister of Health. Since this government was elected in 1995, we have made health care a top priority. This year, the provincial government will spend over \$25 billion on health care. This represents 47% of Ontario's total budget for this fiscal year. This is an all-time high. The government, since 1995, has increased spending on health care by 45%, or almost \$8 billion.

One of the many provincial government initiatives on health care involves primary care reform, specifically supported by nurse practitioners. In Waterloo-Wellington, there is great interest in bringing nurse practitioners to our communities. Can the minister update my constituents and this House about the nurse practitioner program in Ontario?

Hon Tony Clement (Minister of Health and Long-Term Care): My honourable colleague is right: the nurse practitioner program is one of many initiatives that the Ernie Eves government is introducing to ensure that Ontario has timely access to universal and publicly funded health care. This year, our government has pledged \$11 million for up to 117 new nurse practitioner positions in the province.

I'd like to take this opportunity to dispel some of the myths about nurse practitioners. Many people hear the term "nurse practitioner" and simply think of a registered nurse, and yet a nurse practitioner is more than that. They have been trained to take on additional responsibilities. They are one step closer to being a general practitioner in the medical sense. For example, you can go to a nurse practitioner and get an annual physical examination. If you're concerned about a lump or other abnormality, a nurse practitioner can order a mammogram without having to wait for an appointment with a GP.

We have listened to Ontarians. Primary care reform is the top priority for them and it is for us as well.

1440

Mr Arnott: I've taken a great personal interest in the nurse practitioner program in our province. I know that my constituents in Waterloo-Wellington will benefit significantly from their services.

I'm aware that the Ministry of Health recently announced the commencement of the nurse practitioner application process. I was very encouraged to learn that there are plans to bring nurse practitioners to my constituency of Waterloo-Wellington. Could the minister inform the House about how many nurse practitioners the communities of Wellington and Waterloo are eligible to receive? Second, could the minister indicate a timeframe as to when we will have these nurse practitioners in place, serving the health care needs of the residents of Waterloo-Wellington?

Hon Mr Clement: This year, 31 communities are eligible to apply for nurse practitioners. I am delighted to inform my colleague for Waterloo-Wellington that the Waterloo region will be eligible to receive up to 11 new nurse practitioners, while Wellington county will be eligible to receive up to seven new NPs. The deadline for submissions is December 13. The ministry will review each application, and decisions will be announced next January.

I would like to add that many of the nurse practitioners, including those in Waterloo-Wellington, could begin serving their communities very shortly after their applications have been approved. Applications are found on the Ministry of Health's Web site and can be submitted—actually, HealthyOntario.com is the best place to receive this information. Certainly we are also interested

in submissions by interested groups within the 31 communities.

We are there for nurse practitioners and we are there for the people of Ontario.

HYDRO RATES

Mr Michael Prue (Beaches-East York): My question is to the Minister of Energy. You are now six months into one of the most disastrous policies any government of this province has ever undertaken. Ratepayers across this province are demanding that you scrap this plan and go back to something that worked since the beginning of the last century.

In Minister Molinari's riding, a ratepayer by the name of Shirley has called us and told us that when she phoned to say she couldn't pay her \$700 bill this month, Vaughan Hydro told her not to worry, that they had thousands of calls just like hers. They told them to make weekly instalments if they have to; they're not going to shut them off. I thank Vaughan Hydro for that. But there are thousands of people in Vaughan facing this problem.

In my own riding, a constituent phoned to say that his hydro bill for this month, November, has gone up to \$828. When he queried it, because it was only \$160 during the heat wave, he was told to pay now or have his hydro cut off.

Your own caucus is falling all over themselves, member after member, to distance themselves from this. When are you going to limit and change and go back to—

The Speaker (Hon Gary Carr): I'm afraid the member's time is up.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): We recognize that there are a lot of people in Ontario—working families, small business people, farmers and others—who are concerned about electricity rates; so is their government, so is this minister and so is our Premier. He has asked me to look at the issue with respect to rebates and report back to him in short order on what we can do to express both the concerns people have around the kitchen table with respect to the bills in front of them and with respect to the fear they have for their future—themselves and their families.

The member opposite is suggesting that we go back to the way it was. The way it was was public power at cost minus \$38 billion. I don't think it's responsible, as he and his party would, to borrow \$3 billion over five years for hydro or to borrow \$50 billion over five years to provide for people in Ontario. I don't think there's social justice in borrowing \$50 billion or \$3 billion on the backs of our children and our children's children to pay for our life today. That's why we have to move to a better way. We're looking at possible—

The Speaker: The minister's time is up. Supplementary?

Mr Gilles Bisson (Timmins-James Bay): Let me see if I have this straight. You're saying we're better off now; I fail to see how. The reality is that as we go around

the province, Ontarian after Ontarian is complaining that they're paying more for hydro now than they did prior to your deregulation scheme.

Just in the city of Timmins on the weekend, I had an opportunity to speak to a number of people. One particular couple, John and Anne, whose bill has gone up by \$100 a month, sent me this note after our conversation. They wrote, "My husband and I have been struggling to make ends meet for the last six years due to medical conditions.... Take a lesson from the American experience. Privatization increases costs and reduces services to the paying public."

They go on to make the point that they paid less under a regulated power structure that was publicly owned, and they pay more now. Minister, when are you going to turn the lights on over there and recognize that hydro deregulation is a disaster? Stop it. It's not by doing subsidies or anything else that will fix it. When are you going to stop it?

Hon Mr Baird: The member said it's not by doing subsidies that you're going to stop it. That's exactly what he and his party did in each and every year they were in government. They borrowed \$3 billion on the backs of hydro customers; they borrowed \$50 billion on the backs of families in the province of Ontario. I acknowledge particularly this member has been consistent in his opposition to privatization.

What do the other members think? Some members say one thing on Bay Street when they're in Toronto and another thing on Main Street when they're back in their ridings. Let's hear one member: "The only way we're going to get more made-in-Ontario electricity is to permit the private sector to come in and build electricity"—Michael Bryant, Liberal critic for energy. What else have they said? "We know that some areas of the province wouldn't have energy if it wasn't for privatization." Who said that? My friend the member for Hamilton Mountain, Marie Bountrogianni, said that—a consistent supporter of privatization on Bay Street, but when she's back in the riding on Main Street, the position changes.

HOSPITAL FUNDING

Mr Dominic Agostino (Hamilton East): My question is to the Minister of Health. On Thursday, the Hamilton Health Sciences corporation announced it may be facing a \$30-million deficit. They will be laying off 250 staff. They're going to be closing 69 beds in a specialized complex continuing care unit at Chedoke. They're going to close outpatient physiotherapy and reduce clinical procedures.

Two and a half years ago your government fired the board and CEO of the same institution, because you felt they couldn't control the budget, and you brought in a new CEO and a new board. Two and a half years later we're facing many of those similar challenges. The problem is not the board, which you like to blame. The problem is not the administration, which you like to blame. The problem is your constant and critical underfunding of health care. They need \$5.5 million immedi-

ately simply to balance their budget, and it's still going to mean a reduction in programs that they've outlined here.

Minister, it's clear you're to blame and your government is to blame. Will you commit today to funding the proper needs of this hospital, the \$5.5 million that they asked of your staff on Thursday, to at least be able to balance their budget for this year?

Hon Tony Clement (Minister of Health and Long-Term Care): I'd like to put two facts on the record for this House: first of all, there will be more beds available in Hamilton for complex continuing care patients when all is said and done, and that's what the people of Hamilton really care about.

I must correct the record from the honourable member. When it comes to funding the Hamilton health sciences centre, this government has been there for the people of Hamilton. The percentage increase from 2001-02, just in this hospital alone, is 8.5%. That's a \$36-million increase in one year. If you look over the last five years, the Hamilton health sciences complex has received an increase of \$138 million. That's a 43% increase. We have been there for the people of Hamilton, and it is time for Hamilton Health Sciences to do its job as well. We have confidence they can do that.

Mr Agostino: Once again, it's someone else's fault. We hear this story over and over: "It's the Hamilton Health Sciences corporation's fault; it's the staff; it's the board; it's the administration." When are you going to take responsibility for your decisions that have impacted on these cuts in Hamilton? The reality is there are 69 beds at the Chedoke continuing care centre. It's a family, it's a home to them. These people are going to be dispersed throughout the community. They don't pay copayment fees now. They will be forced to pay copayment fees when they get put into these other institutions.

The reality is that you've got to stop pointing fingers and blaming this board and this administration and acknowledge it's your underfunding that is causing this problem. They may face up to a \$30-million deficit. You don't seem to get it. That's cuts in health care; that's cuts in programs, in services—250 staff being laid off. That's the simple truth and reality, Minister. When are you going to step up to the plate, do the right thing and fund this institution properly so it doesn't have to continue making these cuts to health care in Hamilton?

Hon Mr Clement: The fact is that St Peter's is staying open. That's 250 beds right there. The fact is that St Joseph's is building a new 148-bed complex. That is for continuing care as well. Those are the facts.

In the alternative Liberal universe, I suppose a 43% increase in the budget is somehow underfunding or cutbacks, but in the real world we have been there for the people of Hamilton, we have been there for health care in Hamilton and we will continue to be so.

1450

RURAL ECONOMIC DEVELOPMENT

Mr John O'Toole (Durham): My question today is for the Associate Minister of Municipal Affairs and

Housing responsible for rural affairs. As you well know, the Ernie Eves government has made rural economic development a top priority. Our government is ensuring that the people who live, work and raise their families in small-town Ontario, like Blackstock, Nestleton, Newtonville and other rural communities, enjoy the same the opportunities for growth and prosperity as their urban neighbours.

Minister, I know you've been doing an exceptional job developing and putting in place strategies and programs that benefit the people of rural Ontario. Can you inform the House what you've been doing and how the success of your ministry's economic development programs have made life better for rural Ontario?

Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing): I thank the member from Durham. His tireless efforts in and around Queen's Park certainly represent his constituents in Durham very well.

The task force report on rural economic renewal recommended the development of teams of highly skilled experts who could assess barriers to growth, recommend solutions and work with people to ensure that success and growth happen to their rural economies.

As a result of that, we developed the resource jump teams to achieve this objective. As recently as December 7, 2001, we assigned a group to jump-start tourism in the Land O' Lakes region of eastern Ontario. Thirty-five actions have been identified by that group, a long-term work plan has been done and a variety of new, innovative tourism packages are now being marketed.

We have seen the positive impact in this region as a result of these efforts. Tourism operators in the region are embracing its recommendations enthusiastically.

Mr O'Toole: That's a very thorough answer, Minister. It's clear your heart is still in rural Ontario. I know that for sure. It sounds like part of it is in Northumberland, actually.

This is great news for the people of the Land O' Lakes region and I commend you for the work. Tourism, as you know, is a vital part of not just the Land O' Lakes but the riding of Durham. It's a major economic contributor. Let's understand that. Can you expand on the scope of this project and future projects that might land in Durham?

Hon Mr Coburn: Recently, the member from Northumberland, the Honourable Dr Galt, visited the Land O' Lakes region on my behalf and presented funding in the amount of \$400,000, a full 50% of the project's cost, toward jump-starting Land O' Lakes tourism. This OSTAR-RED project is a direct result of the jump team's recommendations, and I'm confident that this exciting private-public sector initiative will indeed succeed.

This \$400,000 provincial investment in tourism enables the project partners to work better together, removing barriers to economic development and helping them build a stronger and more diverse tourism industry. We expect this program to have measurable results, raising the international profile of the Land O' Lakes region and enhancing its position as a must-see tourist destination here in Ontario.

DOCTOR SHORTAGE

Mr Tony Ruprecht (Davenport): I have a question for the Minister of Health. As you know, we have in Ontario a real crisis—

Interjections.

The Speaker (Hon Gary Carr): Order. I know it's fun lobbying, but the member does need to place a question. I'd appreciate your support. The member for Davenport.

Mr Ruprecht: I have a question for the Minister of Health. As you know, we have a doctor shortage in Ontario. We are indeed in a crisis. A lot of Ontarians are waiting to get an appointment with a doctor and they cannot. Some of our municipalities are totally underserved.

You know the facts. Right here in Ontario, we need at least 1,000 doctors, while at the same time we have over 1,100 doctors within the greater Toronto area who are foreign-trained professionals. The question is simply this: when will this minister make the announcement all of us are waiting for? As we know, Ontario created a special six-month assessment program this year. All foreign-trained graduates were required to redo parts of their residency program. These are punitive measures. Will this minister now stand up, because he knows—

The Speaker: The member's time is up.

Hon Tony Clement (Minister of Health and Long-Term Care): I thank the honourable member for his question that was offered in all seriousness, and I take it seriously.

As this House knows, Premier Eves and I have been working very hard on a new policy, a new initiative with respect to this area for international medical graduates. I can tell you that we are very excited about the progress we're making. We're still crossing some t's and dotting some i's, but in the fullness of time, this announcement will have every question that I'm sure the honourable member would like to ask answered. I would assume that the honourable member will support this Ernie Eves government initiative, just as I'm assuming that the opposition members supported us on the northern medical school, a brand new medical school for northern Ontario, just as they hopefully supported us on the new medical education campus at Windsor. Hopefully, they supported us when it came to all of the new initiatives when it comes to—

The Speaker: I'm afraid the minister's time is up.

Mr Ruprecht: Let me remind this minister that his much-lauded new fast-track program—you know what?—accepted only 44 of the 709 people who applied. Is that the program you're going to espouse in this Legislature: accepting 44 out of the 709 people who applied? That, obviously, can't be your new policy.

I remind the minister of one other fact. We met, about three years ago, with the OMA and the Ontario College of Physicians and Surgeons. We indicated to them, with our colleague from Kingston and the Islands—he made it very clear that we need some action. You have screwed

up this policy for the last six years, and now you're coming here to this Legislature and telling us, "Are you going to support this program?" Of course we're going to support this program. But we want you to stand up and say you're accepting more than 44 physicians when over 1,000 community residents are waiting to get some action. Tell us in the House: what are you going to do? When are you going to accept this—

The Speaker: The member's time is up.

Hon Mr Clement: The honourable member is clearly lunging, in some desperate manner, to try to attach himself and his party to the good-news Ernie Eves announcement that is forthcoming. But the people of Ontario can see through that.

In answer to his question, our new initiatives will be the equivalent of one and a half new medical schools for the people of Ontario and for citizens in Ontario to get access to excellent quality training by foreign-trained physicians. They can talk all they want. They're good at talking. We're good at doing.

WORKPLACE SAFETY FOR STUDENTS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Mr Speaker, if you'll allow me, please, my question is for the Minister of Labour. This assembly is well aware of your commitment to workplace health and safety, especially as it relates to young workers. I'm certainly very happy to see so many young people in the visitors' gallery today. I understand that you spoke to students at Hill Park Secondary School in Hamilton about young worker health and safety. Could you please update us on that?

Hon Brad Clark (Minister of Labour): I thank the honourable member for the question. Our government is committed to the health and safety of young workers in the workplace. That's why we're taking the message directly to the students with the Live Safe! Work Smart! presentation. This past Friday at Hill Park Secondary School, I spoke to over 800 students about the importance of health and safety in the workplace.

Interjection.

Hon Mr Clark: I see that the member for Kingston and the Islands is fully supportive of me getting out to the high schools and speaking to them about the need to be safe in the workplace.

The students at Hill Park were very interested in the message I had to share about young worker health and safety, what their responsibilities are and what their rights are. Students were eager to learn how to recognize hazards in the workplace and how to protect themselves on the job. There are no valid reasons for any injury or death to occur in the workplace. That's why the Ernie Eves government is taking the message of workplace safety directly to the students.

Mr Gill: Minister, I am glad to hear that you are taking such an active role in preventing injuries on the job for young workers. I think visiting schools and educating children about health and safety is very important.

Minister, please advise us on your future plans about visiting more schools and talking to youth about safe workplaces.

Interjection.

Hon Mr Clark: It would appear that the member for Kingston and the Islands would like me to come to his riding too and speak to the high school students there. In the near future—actually, next week—I'll be going to St Mary's Catholic Secondary School in Hamilton to share the same message with the students. The goal of these school tours is very simple: to increase awareness about workplace health and safety, inspire young workers to understand and exercise their rights and responsibilities for workplace safety, promote a Live Safe! Work Smart! culture for a new generation of workers and encourage a feeling of empowerment among young workers. We need to enhance the skill and knowledge level of our students to equip them with the fundamental skills to protect themselves in the workplace. Finally, we need to increase the level of awareness of the issue among young people, their parents, their teachers and the employers. These are the messages that the Ernie Eves government is bringing directly to the students to ensure that they are safe in the workplace.

1500

HYDRO RATES

Mr David Christopherson (Hamilton West): My question is to the Minister of Energy. All afternoon you have been dancing around the real issues that are affecting real Ontarians. The NDP hydro hotheads have been responding to our call to tell us what's happening out there. From Brampton we're hearing this: "I can see a lot of people going bankrupt over these prices. Should we thank you now or after we file?" From Mississauga: "My brother is on a pension and his bill for two months was \$600. Where is a person supposed to find this kind of money?" From Guelph: "Admit your error and reverse this now." From Waterloo: "I will have to sell my house if this keeps up." From Mount Hope—and a monthly bill increase of \$320: "Do I pay the bill or feed my family?" And from Stoney Creek: "Please stop the deregulation. Help people on fixed incomes stay warm."

Minister, never mind all the macro talk. What are you going to do to help people pay their hydro bills so they'll have heat this summer?

Interjection: He meant winter.

Hon John R. Baird (Minister of Energy, Minister responsible for francophone affairs): I don't want to make light of a serious issue. There's nothing I can do to make the summer not be warm. The member opposite must be listening, though; we did have the warmest summer in 50 years, and I acknowledge that.

I want to tell the member opposite that I also have heard the concerns of working families, of small businesses who are concerned not just about the high hydro bills they have on their kitchen tables today but about the future. The Premier has asked me to look at the whole

issue, about a rebate and the whole issue about the challenge that these families are facing. We've indicated that he has asked me to report back in short order and I've committed to do just that.

The Speaker (Hon Gary Carr): Supplementary?

Mr Peter Kormos (Niagara Centre): The Conservatives and the Liberals support the deregulation and the privatization of hydro; 80% of Ontarians and the NDP don't. Chuck S., down in Welland: "The whole older generation of people on pension cannot wait for an election. Rebates or no rebates, it's all a sham and we know it." John and Margaret in Grimsby: "All essential services should be run by the government for the betterment of the province and the residents." Ed of Niagara Falls: "You're killing the economy big time. People won't be able to pay their hydro bills any more. That will hurt everyone in the long run."

These folks don't want your crummy rebate. They want restoration of a regulated, publicly owned, publicly controlled, publicly operated, hydro-at-cost hydro-electricity system. Why don't you listen to the 80% of Ontarians? Don't offer them \$100 or \$150 when they've already been slammed and whacked for what will amount to thousands by the time the winter is over. Tell them you're going to restore regulated, publicly owned hydro here in the province of Ontario.

Hon Mr Baird: The member opposite's own party, his own government didn't bring in public power at cost once when they had five years to do that. They borrowed \$3 billion; that's in addition and above and beyond the \$50 billion they borrowed out of the consolidated revenue fund, and our children and our children's children will have to pay for that. On the issue of privatization, at least the honourable member has stood in his place and been consistent. What did Dalton McGuinty say? "I am in favour of privatization, both in terms of the transmission and the generation." To clarify that, Michael Bryant said last week, on October 28, "Our position hasn't changed since 1997."

Mr Tony Ruprecht (Davenport): On a point of order, Mr Speaker: I am not happy with the answer given me by the Minister of Health. Before he leaves, I'd like him to know that I would request a late show. Perhaps he can come back and expound on his new announcement that we all await.

The Speaker: If I could just remind the member to file the appropriate paperwork with the table, that would be helpful.

PETITIONS

AIR QUALITY

James J. Bradley (St Catharines): My petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Eves government's wholly owned Nanticoke generating station is North America's largest

dirty coal-fired electricity producing plant and Ontario's largest producer of the chemicals and acid gases which contribute to deadly smog and acid rain; and

"Whereas the Nanticoke plant, which has more than doubled its dangerous emissions under the Harris and Eves government, is now the worst air polluter in all of Canada, spewing out over five million kilograms of toxic chemicals each year, including many cancer-causing chemicals and mercury, a potent and dangerous neurotoxin; and

"Whereas the Ontario Medical Association has stated that 1,900 Ontarians die prematurely each year and we pay \$1 billion annually in health-related costs as a result of air pollution; and

"Whereas the Eves government has the opportunity to make a positive move on behalf of the environment by proceeding with the Sir Adam Beck 3 generating facility, which would produce air-pollution-free electricity in this province and would provide an alternative to the constantly increasing demands placed upon the Nanticoke coal facility; and

"Whereas the Beck 3 generating facility would also provide a major boost to the economy of Ontario through investment and employment in the construction and operation of the facility and in addition would offer additional energy for the power grid of the province of Ontario;

"Be it resolved that the Ernie Eves government, as chief shareholder of Ontario Power Generation, order the immediate development and construction of the Sir Adam Beck generating station."

I affix my signature. I'm in complete agreement.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): I have another 2,000 names. We now have 28,000 names on this petition. It's to the Legislative Assembly of Ontario, dealing with the multi-laning of Highway 69.

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas, in the last three years, 46 people have been killed; and

"Whereas, this year alone, 10 people have needlessly lost their lives on this highway; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of any government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned" 2,000 people "petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I of course affix my signature to this petition, and give it to Lauren, our page, to bring to the desk.

POST-SECONDARY EDUCATION FUNDING

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a petition to the Legislative Assembly of Ontario.

"Whereas average tuition fees in Ontario are the second-highest in Canada; and

"Whereas average undergraduate tuition fees in Ontario have more than doubled in the past 10 years; and

"Whereas tuition fees for deregulated programs have, in certain cases, doubled and tripled; and

"Whereas Statistics Canada has documented a link between increasing tuition fees and diminishing access to post-secondary education; and

"Whereas four other provincial governments have taken a leadership role by freezing and reducing tuition fees;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to:

"Freeze tuition fees for all programs at their current levels, and

"Take steps to reduce the tuition fees of all graduate programs, post-diploma programs and professional programs for which tuition fees have been deregulated since 1998."

This is signed by several hundred more students who share this concern. I affix my signature in full agreement with their concerns.

The Speaker (Hon Gary Carr): Further petitions? The member for Thunder Bay-Superior North hasn't had one in a while.

Mr Michael Gravelle (Thunder Bay-Superior North): My colleague from Thunder Bay-Atikokan and I were recently at Lakehead University, where thousands of students signed petitions calling for a tuition fee freeze, and certainly I'm here to read some petitions as well. This is a petition to the Legislative Assembly of Ontario.

"Whereas average tuition fees in Ontario are the second-highest in Canada; and

"Whereas average undergraduate tuition fees in Ontario have more than doubled in the past 10 years; and

"Whereas tuition fees for deregulated programs have, in certain cases, doubled and tripled; and

"Whereas Statistics Canada has documented a link between increasing tuition fees and diminishing access to post-secondary education; and

"Whereas four other provincial governments have taken a leadership role by freezing and reducing tuition fees;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to:

"Freeze tuition fees for all programs at their current levels, and

"Take steps to reduce the tuition fees of all graduate programs, post-diploma programs and professional programs for which tuition fees have been deregulated since 1998."

I want to thank Glendon Tremblay, president of the Lakehead University Student Union, for organizing this petition campaign. I'm very pleased to add my name to the petition.

1510

HYDRO RATES

The Speaker (Hon Gary Carr): I'll try one in the back row: the member for Sarnia-Lambton.

Ms Caroline Di Cocco (Sarnia-Lambton): "To the Legislative Assembly of Ontario:

"Whereas electricity bills have skyrocketed under the Harris-Eves government's flawed electricity plan; and

"Whereas some consumers have signed higher fixed-rate contracts with retailers, without adequate consumer protection; and

"Whereas the Harris-Eves government has failed to address electricity supply shortages in Ontario, forcing the purchase of American power at a premium prices, driving up prices still further; and

"Whereas the Harris-Eves government appointed a board of directors for Hydro One that has been paying themselves extravagant salaries, compensation packages and severances for senior executives; and

"Whereas Hydro One bought 90 municipal utilities, serving about 240,000 people across Ontario, at premium prices and with borrowed funds. These purchases with borrowed funds have increased Ontario's debt burden; and

"Whereas the Harris-Eves government has added additional fees and taxes to local electricity distribution companies. These charges have also been passed along to consumers;

"Therefore be it resolved that we, the undersigned, demand that the Harris-Eves government take immediate action to ensure that Ontarians have fair and reasonable prices for the necessary commodity of electricity in Ontario."

I have thousands of signatures. I affix my signature to this petition.

WILDLIFE MANAGEMENT

Mr Richard Patten (Ottawa Centre): The petition is to the Legislative Assembly of Ontario. There are about 300 names on this petition, which reads as follows:

"The unreasonable and inhumane restrictions that the Ontario Ministry of Natural Resources (OMNR) is placing on wildlife rehabilitators with respect to the release of orphaned animals will eliminate their ability to help wildlife.

"Whereas wildlife rehabilitators provide an essential public service for many thousands of people seeking help on behalf of orphaned and injured wildlife in Ontario; and ...

"Whereas this will incur significant new costs for local governments with respect to bylaw and public health and safety interventions while creating an emotional and volatile climate because the majority of people in Ontario are simply unwilling to see healthy young animals euthanized," which means killed;

"We, the undersigned, are deeply concerned that the release restrictions imposed by the Ontario Ministry of Natural Resources will eliminate the provision of responsible wildlife services in our community.

"We petition the government of Ontario to work with wildlife rehabilitators to ensure that progressive, humane and responsible regulations with respect to release criteria for rehabilitated orphaned wildlife are put in place in Ontario."

I affix my signature to this petition as well.

COMPETITIVE ELECTRICITY MARKET

Mr Tony Ruprecht (Davenport): I have a petition concerning the increases in hydro rates. The petition reads as follows:

"Whereas the government has legislated the opening of the Ontario electricity market as of May 1, 2002, and the price per kilowatt hour for electricity in the province of Ontario has nearly quadrupled since May 1; and

"Whereas Ernie Eves has done a poor job in educating the public as to the ramifications of an open electricity market in the province of Ontario and has done little to punish the unscrupulous sales practices of door-to-door energy retailers; and

"Whereas" the government "appointed the board of directors for Hydro One, who approved exorbitant salaries and compensation packages for Hydro One executives;

"Be it resolved that the Ontario government move immediately to protect our province's electricity consumers by addressing the serious generation problem in Ontario, by punishing unscrupulous electricity retailers and by moving forward with a rebate to offset the increasing costs of electricity in Ontario."

Since I agree, I'm delighted to pass it on to Maureen.

WILDLIFE MANAGEMENT

The Speaker (Hon Gary Carr): The member for Prince Edward-Hastings has been up since the beginning.

Mr Ernie Parsons (Prince Edward-Hastings): I have a petition with over 1,000 names from 280 different cities to the Legislative Assembly of Ontario.

"The unreasonable and inhumane restrictions that the Ontario Ministry of Natural Resources (OMNR) is placing on wildlife rehabilitators with respect to the release of orphaned animals will eliminate their ability to help wildlife.

"Whereas wildlife rehabilitators provide an essential public service for many thousands of people seeking help on behalf of orphaned and injured wildlife in Ontario; and

"Whereas the unreasonable release restrictions imposed on wildlife rehabilitators by the OMNR will prevent responsible wildlife rehabilitation, not only compromising wildlife and frustrating the public but forcing it underground and jeopardizing public safety; and

"Whereas this will incur significant new costs for local governments with respect to bylaw and public health and safety interventions while creating an emotional and volatile climate because the majority of people in Ontario are simply unwilling to see healthy young animals euthanized;

"We, the undersigned, are deeply concerned that the release restrictions imposed by the Ontario Ministry of Natural Resources will eliminate the provision of responsible wildlife services in our community; and

"We petition the government of Ontario to work with wildlife rehabilitators to ensure that progressive, humane and responsible regulations with respect to release criteria for rehabilitated orphaned wildlife are put in place...."

I am pleased to add my name to these thousands of signatures.

POVERTY

Mr Mario Sergio (York West): I have further petitions addressed to the Legislative Assembly of Ontario.

"Whereas we are seniors and low-income people finding it very hard to live and pay all expenses every day; and

"Whereas with all the increases in our utilities in the last several months, we no longer can afford to have a warm house, or buy enough of a variety of foods, or buy some of the drugs that we desperately need; and

"Whereas we feel helpless, abandoned, and totally neglected by our own government; and

"Whereas, without some sort of assistance from our government, either in terms of subsidy or lowering the cost of utilities," such as hydro or "...gas for heating, we will have to seriously limit the quality and quantity of prescription drugs, or decide to buy food or pay the ever-increasing utility costs;

"We, the undersigned citizens of Ontario, petition the Legislative Assembly of Ontario to help us live in dignity and with compassion and care."

I concur in the content of the petition, and I will affix my signature to it.

LONG-TERM CARE

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): "To the Legislative Assembly of Ontario:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in

long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live their lives with dignity, respect and in comfort in this province;

"We the undersigned petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I am very happy to sign this petition, and I will be handing it to Hin-Hey, who is the page.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This is part of the 28,000-name petition. It comes from Tecklenburgs Restaurant in Sudbury. It is to the Legislative Assembly of Ontario and it deals with the multi-laning of Highway 69 from Sudbury to Parry Sound.

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a ... trail of death and destruction; and

"Whereas, in the last three years 46 people have been killed on that stretch of highway; and

"Whereas" so far this year "10 people have died needlessly on the stretch of highway between Sudbury and Parry Sound; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I affix my signature to this petition and of course give it to Maureen and ask her to bring it to the table.

1520

ORDERS OF THE DAY

TIME ALLOCATION

ATTRIBUTION DE TEMPS

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move that pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 175, An Act respecting the cost of water and waste water services, when Bill 175 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment and at such time the bill shall be ordered referred to the standing committee on general government; and

That the vote on second reading may, pursuant to standing order 28(h), be deferred; and

That the standing committee on general government shall be authorized to meet at its next scheduled time for the purpose of consideration of the bill; and

That five days be allotted to hearings and one day allotted to clause-by-clause consideration of the bill; and

That, no later than 4 pm on the day the committee is scheduled for clause-by-clause consideration, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond its normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House; and

That upon receiving the report of the standing committee on general government the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on third reading may, pursuant to standing order 28(h), be deferred; and

That in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Speaker (Hon Gary Carr): Mr Stockwell has moved government notice of motion 57. Minister?

Hon Mr Stockwell: Mr Speaker, this is Bill 175, which is the source-to-tap cost recovery bill from the Ministry of the Environment. To set aside six days of committee time to hear this bill, I think it would be important to let the Legislature decide to let the committee decide how they want to manage their time in six days, how they want to travel and how they want to go about doing their business. We couldn't get an agreement from the three parties about exactly how to do that, but I think everyone would agree that six days is a fairly reasonable amount of time to be set aside for Bill 175 to be heard in public hearings at committee.

I know the good work of the general committee. I think it will be up to them and they will do the decision-making, which I think by and large will resolve the issue.

Interjection.

Hon Mr Stockwell: I say to the member opposite, I appreciate the fact of what you're saying. I've canvassed all caucuses on this bill with respect to what it is they'd like to see. Having not heard back from one of them, it was difficult to get a consent motion to determine how we carry forward on this bill. So I did make a decision to go with six committee days in consultation with one of the opposition parties; that seemed to satisfy their concerns. It's the best I can do, considering I can't get consent from all three parties. Therefore we can't move forward in any kind of collegial agreement about how we manage this bill. I've tried my best to be as generous as possible with respect to committee time on this bill, and I'm interested in hearing from the opposition members.

As I spoke to this bill for the first time in the House, I said to the member for St Catharines that I'm interested in seeing your amendments, I'm interested in seeing the amendments from the opposition, I'm interested in travelling this bill. By turning it over to the committee, I think it's the best possible world that we can have for it.

At this time, I'll be happy to sit down.

The Speaker: Further debate?

Mr Wayne Wettlaufer (Kitchener Centre): I'm pleased to take part in the debate today on second reading of the Sustainable Water and Sewage Systems Act. I know there are a number of members here who will remember back 45 or 50 years to the days when we were

in elementary school and our memories of safe drinking water and how we heard, back then, about the problems that the people in Europe had insofar as safe drinking water is concerned, and how, through carelessness or lack of regard, those countries no longer had safe drinking water. Well, 45 or 50 years have gone by and of course we in North America are now faced with the same situation.

Safe drinking water, I have to say, is a non-negotiable priority for this government. It is something that the people of Ontario expect will not be compromised. I expect it. I expect that I will be able to drink safe water. I expect that my children will be able to drink safe water. If passed into law, the Sustainable Water and Sewage Systems Act will set another benchmark and provide an even stronger foundation for safe drinking water. It makes for good planning, it promotes water conservation and is an integral part of this government's clean water strategy. And I do want to emphasize the conservation aspect of water. We should all employ water conservation tactics.

This government is committed to implementing all 121 recommendations from Commissioner O'Connor's report of the Walkerton Inquiry, parts one and two. Our clean water strategy will help to make this commitment. We believe that one of the critical steps toward implementing the recommendations is the government's proposed Sustainable Water and Sewage Systems Act.

The driving force behind this proposed act is the concept of full-cost accounting and recovery. Our government believes that legislating full-cost accounting and recovery from municipal water and sewage services is one of the best ways to protect public health and our environment. The principles of full-cost accounting and recovery are fundamental to sustainability and are key aspects of Commissioner O'Connor's recommendations in the report of the Walkerton Inquiry, part two. Full-cost accounting reports will provide us with an accurate picture and a transparent method for identifying all costs, both operational and capital, to ensure that human health is protected when it comes to delivering water and sewage services. The full-cost recovery plans will provide a guide to ensure that sustainable systems are developed and supported.

In his report, Commissioner O'Connor made several references to the need for municipalities to ensure that their water systems are adequately financed. To quote Commissioner O'Connor, "Over the long term, safety depends on stable and adequate financing to maintain the water system's infrastructure and its operational capacity to supply high-quality water consistently."

Commissioner O'Connor also stated his support for the proposed act after it was first introduced to the Legislature as Bill 155. He said, "In my opinion, if passed into law, the act will address many of the important issues concerning the financing of water systems.... The requirements for a full-cost report and cost-recovery plan, as generally expressed in the proposed act, are in my view appropriate."

Through our clean water strategy, of which the Sustainable Water and Sewage Act is a significant part, the Ernie Eves government has pledged to invest more than half a billion dollars over the next two years. I repeat that for emphasis so our critics can be aware of it: this government has pledged to invest more than a half a billion dollars over the next two years in clean, safe drinking water for the people of Ontario. This year alone, the government will provide \$245 million, including investments to help municipalities upgrade their water systems to meet our tough new standards and make improvements to their waste water systems.

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While we acknowledge that there is still work to be done, this government continues to make significant progress on several other components of its clean water strategy.

We will also deliver on our budget commitment to establish the \$50-million Clean Water Legacy Trust and the Clean Water Centre of Excellence in Walkerton. The centre of excellence in Walkerton will provide access to the best scientific knowledge, research and technology, and training in the management and monitoring of our safe drinking water. Again, I want to emphasize that: the centre of excellence will provide access to the best scientific knowledge, research and technology, and training in the management and monitoring of our safe drinking water.

In addition, the government plans to consult with key stakeholders on watershed-based source protection planning issues this fall. Several groundwater studies are already underway to support this planning.

So far, action has been taken on many fronts to help ensure that clean, safe drinking water is delivered to all of the people in Ontario. Our accomplishments include the drinking water protection regulation; the drinking water protection regulation for smaller waterworks, serving designated facilities; the Nutrient Management Act, 2002; and work toward a Safe Drinking Water Act. These examples demonstrate that our commitment is unwavering and the momentum is strong. We fully support Commissioner O'Connor's recommendations and are moving forward to complete their full implementation.

I'd like now to highlight some details of the proposed bill. If passed into law, the new Sustainable Water and Sewage Systems Act will make it mandatory for municipalities to assess and cost-recover the full amount of water and sewer services. The proposed act will ensure that water and sewer systems generate sufficient revenue to fully recover all their long-term operating and capital costs.

As members are aware, the Minister of Municipal Affairs and Housing first introduced the legislation as Bill 155 last December 2001. In his report, Commissioner O'Connor has stated that the previous bill addressed a number of major financing concerns. The act has been reintroduced to give legal authority to the Ministry of the Environment, as announced by Premier

Eves in August of this year. It is also the government's next step in fulfilling Commissioner O'Connor's recommendations.

The concept of full-cost recovery is not a new one. Municipalities are already able to apply full-cost recovery if they wish. In fact, some municipalities have implemented this to some varying degree. But although some municipalities claim to be recovering full costs, the province doesn't know the extent to which they are recovering all of their long-term investment needs. The proposed act will give us the full picture of what it costs municipalities to provide water and waste water services and will require municipalities to do cost accounting according to a regulated standard.

Specific reporting requirements and detailed analyses would include all operating and capital costs; financing costs; renewal, replacement and improvement costs; infrastructure and investments required to maintain and expand the systems; and last, all sources of revenue. Accountants are quite familiar with these types of standards.

The proposed act will also require system owners to develop comprehensive asset management reports. At present, municipalities use different methods in determining water rates. In general, few of these methods include investment needs or what will be needed for repair, rehabilitation and expansion of related infrastructure. As a result, it is difficult to get an accurate estimate of the shortfall.

The reality is that most municipalities do not have a handle on the long-term costs of maintaining their water and sewer systems. That's a fact. This leads to under-investments in water systems, because much of the infrastructure is buried. The old adage "Out of sight, out of mind" is an unfortunate fact in many cases.

Underpricing of water can lead to deferred maintenance and overconsumption by water users. Deferred maintenance ultimately leads to deteriorating infrastructure and potential risks to public health.

Legislating full-cost accounting and recovery ensures that safe water is a priority municipal service that cannot be traded off with other services; the standard of service is mandatory.

Make no mistake: this is an environment and public health issue. But while the proposed Sustainable Water and Sewage Systems Act addresses the issue of infrastructure financing and cost recovery, there is also a much broader issue at stake. That issue relates to the overriding principle of municipal accountability.

A new provision in the proposed Sustainable Water and Sewage Systems Act would require municipalities to report to taxpayers annually on any service delivery improvements and any identified barriers to improving service delivery.

Through better communications, increased knowledge and more consistent financial and full-cost accounting processes, municipalities will be in a stronger position to know exactly where things stand and the true cost of their water and sewer services. This will enable them to take a

more proactive view and adopt a more integrated and holistic approach to environmental protection.

Environmental improvement is a continuous journey, and it is a journey that we must travel together. The answers to our environmental challenges cannot come from any one source. Our government recognizes that it must involve consultations and partnerships with municipalities, industries, community organizations and individual Ontarians.

We are open to hearing amendments that make sustainable water and sewer financing work for our partners, but as I said in my opening remarks, our government's commitment to safe drinking water is a non-negotiable priority. There is no way we will allow the amendments to take away from the priority to make safe drinking water a must in this province.

We all need to know the true cost of the water and sewer services that we take for granted. It is the only way we can ensure that these services will be there to support the health and prosperity of future generations—your children, my children and their children. By working toward common environmental goals, we are able to explore opportunities, take appropriate action and together be at the environmental forefront as we solve our environmental challenges.

I believe, if passed, this bill will become an important legacy of our government. I certainly will look with pride on this as a legacy. I encourage members of this Legislature to support the Sustainable Water and Sewage Systems Act.

Mr Mario Sergio (York West): I'm delighted to join in the debate on Bill 175.

Just to add to the comments made by the member on the government side, the member from Kitchener Centre, Mr Wettlaufer, we would love to see this going through as speedily as possible. It does not represent the final document we would like to see, and I believe it doesn't represent the final document that Justice O'Connor would like to see because it does not address all the recommendations in his report, but I believe this would be a good first step to move on with addressing safe, clean drinking water in Ontario.

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It has already taken a couple of years since Justice O'Connor made his recommendations, and they are good recommendations. But finally something is here, so for my part I can say that, yes, we should support this bill even though it lacks some very major, important recommendations. But at least it's a first step, and I would say to the government side and to the Premier here, get on with it. Don't delay it. We can work on some of the other details as we go along. We'll see what the government indeed is going to do with respect to some of the recommendations that we as Liberals, and Dalton McGuinty, have been making with respect to safe drinking water.

One very important aspect that the bill is not doing is addressing the problem at source. I believe, and I believe even Justice O'Connor is saying, that controlling the water at source is very important. It's not only important; I don't think we should contemplate water contamina-

tion, pollution, at any stage, but at source it's most important.

Let me read what Justice O'Connor has been saying with respect to two of the important aspects of his reports. It says very explicitly, "... may constitute a significant burden for low-income families and individuals.... Suffice it to say that, since water is an essential need, it would be unacceptable for those who are unable to pay for safe water to go without. The provincial and municipal governments should ensure that this does not occur by whatever means they consider appropriate." This was on page 313 of Justice O'Connor's report, part two. He was addressing water rates and his concern with respect to affordability. I will try in the next few minutes to address the accountability that Justice O'Connor is speaking of in his report as well.

But there is another passage that I want to read to the House, where Justice O'Connor is practically admonishing the government. Justice O'Connor made a specific warning that the Conservative government's municipal downloading may make it impossible for municipalities to pay for water and sewer infrastructures. Let me say, before I continue with what Justice O'Connor has said, that it's not just a question of approving another piece of legislation without addressing the real problem. The real problem is that a lot of the infrastructure needs a complete overhaul costing millions and millions of dollars. One cannot accomplish clean, safe drinking water unless the government—and it's in the report itself again. It needs funding and it needs qualified staff as well.

Let me continue with what Justice O'Connor was saying: "The financing of water systems does not occur in isolation of other pressures on municipal budgets. In light of recent restructuring in the municipal sector, especially the transfer of additional open-ended social service costs (eg, welfare) to municipalities in 1998, there is currently some uncertainty about the ability of municipalities to finance all of the programs they are responsible for, including water services.... I encourage the province to publicly review the program responsibilities and fiscal capability of municipalities in light of recent restructuring to ensure that the financial pressures of municipalities do not crowd out the adequate financing of water systems."

I think this is quite clear. I know the Premier and the government members have the same report which we have, I have read from, showing the concern of Justice O'Connor.

It's not a question of when they knew it or how long this has been in existence; it is a question of doing something about it to make sure that instead of just approving a piece of legislation, the government gets on with the action and says, "Let's do it. We are going to do it."

The bill itself addresses two or three main points. One point is full cost accountability, which I think is fair; another point is full cost recovery. I think these are two very important points. But, as I said just a moment ago, reading from Justice O'Connor's report, who is going to

pay? Ultimately, who is going to pay? The government has been totally mute on the issue, solving the problem of who is going to pay for it and how. I'm afraid that ultimately the individual taxpayer is going to get clobbered. Who is going to be clobbered the most, finally, for whatever action the government is going to take will be the working class people and, most importantly, the seniors who cannot afford any increase in water rates, especially at this time, with what we are going through with hydro rates.

Today I had another family come to my office delivering their hydro bill and asking, "How come the last bill we had was \$199 and the new bill is \$378?" These are seniors living on a fixed income in a 900-square-foot, two-bedroom pre-war bungalow. I wonder how high the rates will go, how hard the seniors in our province will be affected before the Premier and the government get off their butts, if you will, and do something about it and freeze the rates so we can bring some lasting relief to working families and seniors.

But let me get to Bill 175. I just wanted to throw that in because the government, unfortunately, in introducing Bill 175—I will try to address as well the fact that they are cutting debate.

Bill 175 does not address full-cost accountability and who is going to pay. Eventually they hope that the municipalities and taxpayers will bear the brunt. But as Justice O'Connor has been saying, I am afraid this is going to be done at the expense of those who can least pay for it. Are they working together with the municipalities? I doubt it. They have been too busy concentrating on how to sell some of the publicly owned agencies to cover the losses they have taken in the last few months, so they can look good in the next budget, that they have forgotten the essence, the real action, to make sure they deliver safe, clean drinking water to Ontarians.

The question indeed should be, who is ultimately going to pay for the actions of this government? We cannot afford to continue with the present situation, where the government has cut 50% of the environmental budget and one third of the staff. No wonder. We're not totally blaming the government, because the problem existed many moons ago. But the fact is that as soon as this government came into power they annihilated practically every major budget, and one to suffer the consequences was this particular ministry, the Ministry of the Environment. How can we not suffer the consequences when you cut 50% of the funding and one third of the staff?

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The quality is measured by the staff that we have in the field, not only used by the ministry but by the various municipalities as well. When the monitoring stations are cut down from 730 to 240, well, that really sends a big signal. Between 1995 and 2000, the monitoring stations were cut by 500, 100 monitoring stations per year. You can't tell the people of Ontario, you cannot tell the municipalities, you cannot tell the consumers that when you cut 500 monitoring stations, this will not have a serious

detrimental effect on the quality of water that we have in Ontario. I'm sure that along the way, if we had proper funding and, as we had in previous times, enough quality stations and inspectors, they would have bumped into some of the problems and we wouldn't have had the serious problems we experienced with Walkerton.

The other thing the government must understand is that we cannot continue to impose more responsibilities and more restrictions on the small municipalities in Ontario: more downloading, less money for the municipalities, less-qualified workers, fewer monitoring stations, less funding for municipalities and more responsibility. The government cannot accomplish with this bill what Justice O'Connor is saying in his report. We cannot accomplish it unless the government gets down to business and says, "Yes, we have to put back some of the funding that we cut originally. We have to bring the monitoring stations up to par to make sure that they do their job."

They have to understand that they have to get those qualified inspectors that they let go—and we said, "Don't do it, because we are going to suffer the consequences." In other words, the government, by approving of this legislation, cannot deliver safe drinking water to people in Ontario unless they include most of the recommendations from Justice O'Connor's report, more funding and qualified staff, as well.

Quality of water is not only when you in your own home or factory or place of employment open your TAP and say, "Well, the water seems clean." I think there is more than that. One important factor is worth repeating, and that is controlling the water at source. The way it is now, municipalities don't have the capacity, the quality of staff or enough staff to do that. The last scope of the government was indeed to deliver that, but I would like to again address Justice O'Connor's report, which goes further than the present bill.

I do hope that whatever action the government is willing to pursue from here on in, either pass the bill as it has been introduced or send it to committee and bring it back—I heard someone from the government side say, "We cannot accept any amendments." If you cannot accept any amendments, then I say to the Premier and the government, approve the bill as it is today. I believe there is room for improvement. If you send it to a committee, then do it quickly. But then don't come to the House and say, "Well, we will not accept any amendments." I believe there is room for that, because as much as the government, the opposition as well, and our leader Dalton McGuinty, have been saying we have to have a bill that will deliver, indeed, the best safe water to the people of Ontario.

I think my time is up. I have been negligent if I missed saying that I haven't been watching the clock but I believe I'm running close to my time. I'll let my colleague the member from St Catharines—you're not going now? OK. We're going in rotation, so I think my time is done, and I hope that my colleague the member from St Catharines will add more on Bill 175.

The Acting Speaker (Mr David Christopherson): Thank you, and your colleague will of course be given that opportunity in the rotation.

Mr Gilles Bisson (Timmins-James Bay): I look forward to this little bit of time. I've got another time allocation motion by this government.

I'm really disappointed, you know? I would like, for once, the government to bring in one of their key pieces of legislation where they didn't have to do time allocation, that we would actually have an opportunity to go back to the way this House used to work at one time, where the parties actually had some ability to negotiate how long issues would be in the House and how much committee time we got. But since the government has changed the rules—and I would say, in fairness to the Conservatives, the Liberals introduced the concept of time allocation, we built on that and the Tories just made it a practice at this point. Quite frankly, we're going to have to go back to redoing the rules in this House, because we've gotten to the point that it's really not functional any more.

I want to start off by saying I've listened to the government House leader and Minister of the Environment get up and talk to us for a few minutes when this time allocation motion was introduced. He said he thought he was being very fair; he was offering to the opposition parties six days of hearing, and said in that comment that he thought that was more than fair given the circumstances. He said the Liberals were prepared to make a deal with him and the NDP wasn't, and that's true. I want to say, as the whip for the New Democratic Party who was part of that negotiating process, I've been at the last two sets of House leaders' meetings that we've had on this particular issue and it's true that we have not agreed to acquiesce to the government on this because we think there are a number of issues that, quite frankly, have to be dealt with. For the government to come in and say, "You're going to get six days of public hearings" on what is, probably for a lot of communities, a very serious bill when it comes to the actual impact on those communities, we think is a bit pale.

I would just say to the government House leader, I remember when I first came here in 1990 and, actually, when a bill that was a key, signature piece of the government came to the House, you had more than three days of debate in the House at second reading. In fact, you probably had, in a key, signature piece, I would argue, the better part of a couple of weeks of debate. Then, if you remember, Mr Speaker—you were a member of the same NDP government that I was—when you had a key, signature piece of legislation of a government that passed second reading, it went off to committee and it had lots of committee time.

I remember, for example, that one of the, probably, most key, signature bills that we did was the anti-scab legislation that our government had put in place. I remember travelling that around prior to it becoming a bill and then, when it became a bill, ad infinitum, because the opposition wanted to have hearings.

I remember our first budget in 1991, when the third party of the day, the Conservatives, basically demanded and held up this House for umpteen number of days because they had the ability to do that, with the way the rules were back then, and wanted to have our first budget go out for consultation through the committee process. We acquiesced to that. There was a fair process of committee time where the public were allowed to come and speak for and against parts of the first budget our government had put in place, and I think that was not a bad process. I would think, in a democracy, we should not be afraid to have public scrutiny of bills in the House.

So I just say the government across the way: I'm not saying I'm offended—I would really be going over the top if I said that—but I'm certainly disappointed that when the government House leader comes in here and says, "Oh well, I gave you the offer; you could have had more than six days of hearings, but you guys wouldn't acquiesce." Well, there's nothing to acquiesce to. The rules in this House are quite simple. The government has made it that every bill that comes through the House basically, especially government initiative bills, are time-allocated. So what am I going to negotiate when I walk into the House leaders' meeting? It's real simple. The government says, "Well, what do you want?" It doesn't matter what I want. You guys have got all the rules: three days of second reading, one day of time allocation and the bill is done. You don't even have to send it off to committee under the current rules.

1600

I look forward to the day, probably within the next 12 months, when we will have a provincial election. I'm sure we New Democrats will increase our number of seats in this Legislature, I believe the government will lose their majority and we will be back here as a minority Parliament. I think only then will there be enough initiative and enough ability across the parties to really sit down and redo the rules so that the rules of this House reflect a little bit of common sense. I would argue, at this point, there is very little in the way of common sense in the way these rules operate.

I believe you have to have a process of fair debate in the House, and on key, signature items, the opposition should be allowed to hold up key signature pieces for a period of time. Eventually the government has to be able to get their bill through—I understand that—but there needs to be ample time for discussion at second reading. I would argue strongly that you also have to have a fair amount of time to allow a bill to go to committee because, after all, public scrutiny is what this should be all about. If the bill doesn't stand up to public scrutiny then maybe we've got something wrong and we need to get back to the drawing board.

For example, what this bill does, among other things, is allow for what they call full-cost recovery on the water systems in Ontario. In other words, currently, by and large, what you've got is municipalities across Ontario some of which charge for water and some of which don't. What they want is to be in a system where you take the

full cost of producing water in the province, from the source to the tap, and pass that on directly to the consumers, to the utilizers of water.

I have a bit of a problem with that. I'm probably in a little bit of a minority on this side. I think certain things should be paid through our tax system. We all pay municipal taxes. We all pay property taxes at the municipal level, and we pay provincial and federal taxes of different types. I believe there are certain things that we should expect from our government by way of our tax system. To put more things and more pressure on having people pay user fees for things—I think it comes to the point where a user fee becomes a tax by any other name. We still end up paying our municipal taxes, we end up paying our federal and provincial taxes, and on top of that we end up paying large user fees and we fall further and further behind. What you end up having is governments that, because they don't want to raise taxes per se, increase user fees and say, "We're not the tax hikers."

I just want to say that this government have been masters at raising taxes by way of user fees over the last seven years. I look at fees for people who utilize arenas—those sports clubs that do figure skating, power skating, speed skating and hockey. I look at the utilization of swimming pools, where people are having to pay more. When it comes to using baseball diamonds and soccer fields, people are paying far more in user fees because of this government's approach, saying, "We need to take away from the tax base those services that used to be paid for by the taxpayer and transfer them over to user fees." So the government has a bit of a sleight of hand that goes on when it comes to how they pay for things.

All I would argue is that we should be a little more transparent in the process and allow a better way of making sure that every level of government takes its responsibility when it comes to safe drinking water, and that we not try to increase user fees in order to pay for the system. We should fund them properly.

I also want to point out very quickly in the time I have left that municipalities are now having a hard time trying to meet the requirements that were put on them by the provincial government as a result of Walkerton. We all know what happened: people drank the water in Walkerton and people died. The reason for that was fairly clear: the government privatized the labs and cut the Ministry of the Environment by 50%. As a result, there was no mechanism to safely test the water, and unfortunately people died.

The government put in some rules in the short term to deflect attention off them for some of the things that happened in Walkerton. They put in new rules and said, "Here are the new rules you have to meet in order to produce safe drinking water in your communities." I just want to say to the government, there's a whole bunch of communities across Ontario now that can't afford to pay for the new responsibilities you've given them. In this bill there is still no mechanism to do that except charging somebody a user fee. So, yeah, we're going to have full-

cost recovery and it's going to be the users in each community who will end up paying for water. What that means at the end of day is that people living in Opatatika or Hearst or Timmins will end up paying more for utilization of water now that you've done everything you've done in the water systems. So I have a bit of a problem about where we are getting the money from.

I also want to say there is a huge issue—unfortunately there is not enough time to get into this one—in rural communities across Ontario, and that is those private hotels and motels, trailer parks and those classes of properties out there that utilize water. For example, not seasonal trailer parks but residential trailer parks or motel complexes are having to follow the new regulations, and they don't have the means to offset their costs. As a result, they're not able to afford to do the changes the government wants in the first place.

The government's response to that up until now has been not to provide money to assist them in meeting the regulations; they've just delayed by a year the time people have to comply with the new regulations under the Ministry of the Environment. As a result, they've pushed back the date until June 2003 for trailer parks and others to comply with the new water regulations.

I'm just saying it's basically a shift of hands. They're trying to say, "Let's push this off until after the next election. In that way, we're not going to have to worry about it going into the next election." Well, the chickens are going to come home to roost at one point, and it's going to be far too difficult, I will argue, for those types of water utilizers to pay for the system.

Je pense que ce qui est important est de réaliser, comme j'ai dit, que oui, c'est important qu'on ait un système qui est fiable quand ça vient à la production et à la transmission d'eau pour les utilisateurs à travers l'Ontario. Je pense qu'il n'y a personne à l'Assemblée, soit Conservateur ou dans l'opposition, qui est contre le principe de s'assurer que l'eau a besoin d'être sécurisée et que les utilisateurs ont l'assurance nécessaire que l'eau que l'on va utiliser est potable et saine.

Le problème, comme j'ai dit plus tôt, est que le gouvernement a déjà créé un problème. Le gouvernement, à cause de ses actions qui ont résulté en Walkerton, a mis en place des réglementations. Jusqu'à date, beaucoup de municipalités à travers la province ne sont pas capables de rencontrer les obligations de ces réglementations. Je regarde justement à travers mon comté les communautés de Hearst, Kapuskasing, Opatatika et autres qui ont beaucoup de difficultés à rencontrer ces réglementations parce que ça veut dire qu'ils ont besoin de payer plus d'argent. Au lieu de prendre la position que je pense qu'il doit prendre, c'est-à-dire, « On va payer d'une manière adéquate pour les résultats de nos réglementations, » le gouvernement répond en disant, « On va transmettre les frais d'utilisation aux consommateurs pour être capable de s'assurer que c'est bien financé. »

À la fin de la journée, tout ce que le consommateur sait est qu'il va payer plus. Si le gouvernement essaie de

se cacher à l'arrière de, « On est le gouvernement qui a mis en place beaucoup de réductions d'impôts, » je dirais, « Oui, on a eu des réductions d'impôts d'une poche, mais on est en train de les payer dans les frais d'utilisation de l'autre. » À la fin de la journée, pour le consommateur ou la personne qui paie les taxes, c'est le même fardeau qu'on leur demande, et je dirais même que le fardeau est plus haut.

Notre critique va avoir beaucoup de chances de parler en plus de détail de ce projet de loi. Je regarde avec certitude que les commentaires que M^{me} Churley va faire seront bien raisonnés et bien pensés. Je pense que ce qui est clair est qu'elle a démontré dans tout ce débat que, quand il vient à quelqu'un pour être clair sur les questions de l'environnement et de l'eau, Marilyn Churley, notre députée néo-démocrate, est certainement l'avocate qui était, franchement, la plus claire dans tout ce débat. Je regarde vers elle puis je regarde aussi vers M. Prue pour faire une couple de commentaires plus tard.

Avec ça, j'aimerais vous remercier. Je sais que d'autres membres de l'Assemblée voudraient parler sur cette motion.

1610

Ms Marilyn Mushinski (Scarborough Centre): I'm particularly pleased to rise this afternoon to speak to Bill 195, the Safe Drinking Water Act, because I think it's a clear demonstration of how committed the Ernie Eves government is in sparing absolutely no effort to ensure that Ontario residents have access to clean, safe drinking water.

Not only that, I think it's a clear demonstration of the fact that we intend to ensure the toughest and best drinking water standards in the world. That's important. I maintain, for example, that in Toronto—and I see my colleague across the way. He and I used to sit on the same municipal council right here in the great city of Toronto. Actually, we both sat on the transportation committee together. We were equally committed to ensuring that Toronto lead the world in providing the absolutely safest, cleanest drinking water. I think that Bill 195 is a reaffirmation—Mr Prue, I don't believe we actually sat on the same Metro council at the same time, although it's interesting that there are representatives from the Liberal, New Democratic and Conservative parties who sat on the same municipal council that was—I have absolutely no question as to the commitment on their part—equal, as on our part, with respect to ensuring the absolutely toughest, best standards in the world.

I met with my municipal counterpart on Friday. I like to meet with my school board and council counterparts from my riding just to share the issues of the day. I want to assure you, Mr Speaker, that this government is absolutely committed to listening to those concerns and ensuring that we do enact the wishes of the people. In terms of the best safety standards for our drinking water, I'm absolutely committed, and there isn't a person in this chamber or in council chambers across this province who isn't absolutely committed, to ensuring that we have the best water standards in the world.

I think it's important that we make sure those water standards continue to be sustainable into the future. That's why I'm particularly pleased to take part in this debate on the Sustainable Water and Sewage Systems Act, because this legislation continues to the decisive action that we've taken since the summer of 2000 to ensure safe, clean drinking water.

I would sure like a refill of this very good drinking water that's in front of me, please.

We believe in Commissioner O'Connor's report of the Walkerton Inquiry, and because of that we have committed to implementing all of the 121 recommendations that he made. We agree with him that sustainable municipal water and sewer financing is absolutely essential. It's good planning that promotes water conservation and indeed will help to provide clean, safe water, not just for my constituents in Scarborough Centre but for all the people of Ontario. That's why we're doing this. We need to have those province-wide standards, not just in providing safe drinking water—certainly we did it with the Ontario curriculum. I think it is incumbent upon this government to ensure that we continue to sustain that into the future.

I would like to turn briefly to the details of the proposed bill. If the bill is passed, the Sustainable Water and Sewage Systems Act would require all owners of these systems to undertake a full-cost accounting of their water and sewer systems. A detailed analysis would include all operating and capital costs, all sources of revenue and the investment required to maintain and expand their systems.

Bill 175 would also require system owners to develop comprehensive asset management reports and then to provide a plan for implementing full-cost recovery.

If passed, the government would implement this bill in two stages. The first step is aimed at assessing the full cost of water and sewage services in each municipality. The second would involve bringing full-cost recovery forward in a way that makes sense for municipalities. I know my colleagues across the way would agree with that.

Commissioner O'Connor said, "In my opinion, if passed into law the act will address many of the important issues concerning the financing of water systems. The requirements for a full-cost report and cost-recovery plan, as generally expressed in the proposed act, are in my view appropriate." He also strongly supported the implementation of asset management and full-cost-recovery plans in relation to drinking water treatment and distribution systems.

I know this bill isn't new to the members of the Legislature, since it was first introduced in December 2001 by the Minister of Municipal Affairs and Housing. Now the Ministry of the Environment is bringing forward this bill in keeping with the Premier's announcement in August that he will take full responsibility for leading Ontario's comprehensive strategy.

There's a good reason for tabling this act at this time. In the months since the previous bill was tabled, the

Walkerton inquiry has concluded. Commissioner O'Connor made far-reaching recommendations, as members of this House well know, and now the government wants to implement all of them; and I think that's very important to stress.

We also understand and appreciate that consultation is essential if we want to make this happen. The government has already conducted consultations about the proposed Safe Drinking Water Act and is currently doing so with respect to the regulations for the Nutrient Management Act.

I want to reiterate that this government will continue to encourage public and stakeholder involvement.

Mr James J. Bradley (St Catharines): The unfortunate fact of life in this Legislature these days is that most of us end up, particularly in the afternoon sessions, speaking on what are called time allocation motions. They are motions which are designed to choke off debate, to end debate, on a particular piece of legislation that would be before us. This government, in an unprecedented way, has utilized the avenue of the time allocation motion to control the agenda of this House.

There is a discussion going on, probably not widespread in terms of the general population but amongst those who follow the democratic, parliamentary and legislative processes at the federal and provincial levels, about the role and responsibility of individual members.

It seems to me that every time we have a time allocation motion forced on this House by a majority government and rule changes made which diminish the role of individual members, and in particular the members of the opposition, who are the watchdogs on behalf of the people, the legislative body in which we happen to be involved becomes less relevant to the general population.

So there is a discussion out there about the relevancy of elected bodies, the power of the individuals within those bodies, the power of the executive, that being the cabinet, and of course the non-elected people in the Premier's office and the minister's office, the people I refer to as the whiz kids. These are political people. They're not elected. They're not members of the public and permanent civil service. They seem to have an undue amount of influence on what goes on in government business in this province and indeed, if I may say so, in many other jurisdictions.

1620

The debate is on at the federal level about this at this time. There has been a lot of publicity surrounding it. Some of the same people who are very critical of what happens in the House of Commons have been silent—notable by their silence, in fact—on what's happening in the Legislative Assembly of Ontario.

I recall a—I'll refer to it as an impassioned speech that I made, I think back in 1993, when the Honourable Dave Cooke, who was then the government House leader for the New Democratic Party, brought in what I referred to as draconian new rule changes that would be designed to favour the government in having its legislation pushed through the House in what the government would con-

sider to be a timely fashion. Built upon this were two changes made by the Harris government to the rules of this House, which again diminished the role of individual members and essentially took away any of the so-called bargaining chips the opposition would have to deal with legislation.

My good friend who sits across from me, the Honourable Norm Sterling, Minister of Transportation, who I thought in opposition made a compelling case against those kinds of rule changes—I'm sure that in his heart of hearts, as he sits in the House this afternoon, he still harbours those views, though he might be in the minority among those who are sitting on the government side. Mr Sterling, on a number of issues, would be considerably to the right of many of us on this side. But I want to say of him that on issues such as information and privacy and on many legislative issues that relate to the rules of this House and indeed on a couple of environmental issues, I believe he happens to be a progressive person. I don't say that only when he's in the House; I think that is the case. It's nice to see that from a person whom many in the opposition would like to paint as an unrepentant right-wing Conservative. I know differently, from observing him on certain issues such as the Niagara Escarpment Commission.

I love time allocation motions, as I'm sure you do as Speaker, because it allows the flexibility of debate that we like to see in this House. While I'm on the issue of the Niagara Escarpment Commission, which affects your riding as well as my riding, Mr Speaker, I hope that the Honourable Norm Sterling, if I may use his name, the Minister of Transportation, will try to exercise within the cabinet his considerable authority in dealing with matters related to the Niagara Escarpment Commission. He made a couple of what I thought were good decisions when he was the minister who had responsibility in that regard, and I said so publicly at the time. It's not usual for the opposition to say that, because we know we'll read it in some literature somewhere, or it will be read back to us in the House. Also we know that the government has enough people to congratulate themselves, and all government members are born with a third hand to pat themselves on the back. So we know that can happen.

But I do want to say of the minister, first of all, that I think he recognized the importance of appointing to the Niagara Escarpment Commission people who are there to protect the plan, as opposed to those who are there to ignore the plan for the preservation of the escarpment lands. I remember a subdivision which he turned down that he could easily have approved, as a member of the cabinet. The cabinet turned that down, I think with a good deal of input from the minister—I'm not at the cabinet meetings, obviously. But again, he was a guardian of that particular unique piece of land, declared by UNESCO as being a world biosphere. I encourage him to continue his efforts in that regard. I did mention him earlier because I remember some of the impassioned speeches he made in favour of having rules in the House which would allow the opposition to at least slow down

for further consideration the legislative agenda of the government.

I want to say that I wish—as you do, because you were kind enough, Mr Speaker, the other day to bring a resolution before the House that I thought was timely—that instead of dealing with a time allocation motion, we were dealing with the issue of hydro bills. Again today you rose in the House to bring specific instances to the attention of the Minister of Energy, instances where people are really feeling the impact of huge increases in their hydro bills. That's something very basic, and I will tie that into the bill which is being time-allocated today.

One of the concerns I have is that if we place all of the onus on the water rate itself to provide everything that has to do with the provision of clean water and sewer projects and so on, we may find that people at the bottom rung in terms of economic wherewithal—people who are on fixed incomes, people who unfortunately are on social assistance, people who are working but are low-income people—find it very difficult when they see their insurance bills going up, their hydro bills skyrocketing, their natural gas bills increasing. When they go to the pump to get gasoline for their car, that cost has gone up. Their municipal taxes may have gone up, and user fees at the local level. I hope there is sufficient funding from the partner called the provincial government to alleviate part of that hardship on those individuals in those municipalities, and I hope that elected municipal representatives take that into consideration.

But you and I know that if you asked this afternoon, “Are we getting most of our calls on full-cost accounting of water in this province?” we'd have to say no. I'd say that easily the largest number of calls coming from the most impassioned people are about their hydro bills. I see members of the government now have indicated their concern about the hydro bills. They're feeling a lot of the heat as well. I suspect the government is scrambling now to do something to get the pressure off in this regard. Hopefully your resolution had some impact, and the questions that are directed to the government from both of the opposition parties.

I, for the life of me, cannot see why this government got itself into the jam of having GST charged on the interest on the debt, on the debt charges. All you had to say was “It's a tax.” I know they hate saying that, but it is a tax, in effect, which pays the debt. If you declared it that, you wouldn't have the GST on it. For the life of me, I don't know why this government wouldn't have done that and wouldn't do it now.

There are some members who may be familiar with what I call the Beck 3 project in Niagara Falls. We have Beck 1 and Beck 2. What is that? That's a huge generating station along the Niagara River in the city of Niagara Falls and it produces hydroelectric power. That is power which has no impact on the air at all—it is benign environmentally in terms of the air—and minimal impact on the waterways. There is a plan sitting and waiting to be implemented.

I was in Niagara Falls with Dalton McGuinty, the leader of the Liberal Party, and both of us at that time

were calling for the implementation of what we would call the Beck 3 project, another generating capacity for Niagara Falls which would, first, produce a lot of power for the grid, and that's needed at this time; second, would do so in a relatively environmentally benign manner; and third, would create good jobs in the area while that construction was taking place.

You may ask, doesn't it have to go through an environmental assessment? In fact, my understanding is that the environmental assessment has been completed, that the project was ready to go in 1998 and that the government made a decision not to do so. I would hope we would have that announcement made in the House. I think that would do two things, as I say: first, help to improve the air quality in this province and, second, provide more capacity for the grid system in the province.

1630

I would have hoped that this afternoon, instead of dealing with the issue of a time allocation motion, we could deal with what you would, again, perceive in your riding and I would in mine, and that is the problem of the doctor shortage, where we have, particularly in the category of general practitioners or family doctors—

Interjection.

Mr Bradley: The member for Kitchener says, “Be patient.” I want to say to him that I saw a program on the issue on his local station, which I don't know if he saw. I thought it was very well done. I saw half an hour of it. I didn't hear Mr Wettlaufer's name mentioned at the time, but I saw what I thought was a good group of people, a panel and an audience, talking about a very timely issue. The people of St Catharines and Niagara would say, “Wouldn't it be nice, instead of dealing with a time allocation motion this afternoon, if you were talking about ways to bring more doctors into our underserved areas.”

There are a few options, and the member would probably have a consensus with me on these. One is that we have to get—

Interjection.

Mr Bradley: Of course, we're on a time allocation motion. We're talking about a time allocation motion. The former Speaker is trying to intimidate the present Speaker, as he always does; to no avail, I can see, in this particular case. Engaging as I am in a conversation through the Speaker with my friend from Kitchener, one of the things we obviously have to do is increase the number of spaces in the medical schools in the province.

Interjection.

Mr Bradley: We certainly have to do that. The deputy leader of the Liberal Party says Dalton McGuinty has a very detailed plan in this regard, and I agree with her.

However, there's a second one I want to talk about that people have mentioned, and that is foreign-trained doctors who are in our country and who have—

Hon Mr Stockwell: Who drink water.

Mr Bradley: The minister says, “Who drink water.” I'll get to him in a minute. I have a shot to take at him a little later, after I was complimenting the previous min-

ister. Some of those individuals would be able to practise if it were made—not easier but if there was a faster and more comprehensive evaluation of them to allow them to practise.

The third thing is, and the member for Kitchener would agree with me on this, there's another group too many people have forgotten about. That's the number of young Canadians who have gone abroad to medical schools and are now practising in the United States who would love to come back to our communities but don't have a chance to do so. Even in Etobicoke Centre there may be individuals of that kind.

Interjection.

Mr Bradley: I know he does. He is eager to talk about what—I just wish he was as eager to provide the 411 pages of secret material that he is hiding in the Ministry of the Environment on the Kyoto accord.

Interjection.

Mr Bradley: He says it may have arrived today. I heard a question in the House, as you did, Mr Speaker, a lob-ball question. I saw the minister go over to Garfield Dunlop and say, "You've got to ask this question." Up gets Garfield and asks the question, and the minister is all smiles about it and he's saying the federal government won't provide this information for us. I think it was—correct me if I'm wrong; I know you will—back in March that I first made a request for all the information available within this government, all the studies you've done on the potential implementation of the Kyoto accord, and you've refused to provide that information. My assistant even had to pay something like \$350 out of his own pocket to get this information. He wouldn't have been so annoyed with that if indeed he had received it right away. But I think in a gesture of benevolence the Minister of the Environment should reimburse my staff member for having to pay all of that money for that information.

Hon Mr Stockwell: You got it today.

Mr Bradley: He tells me I got it today, at long last. I think it was the threat of the Information and Privacy Commissioner, who said, "Either you produce it now or the minister must resign," or words to that effect. But he has been hiding that information for all this time—and chortling.

I remember when my good friend Norm Sterling was the Minister of the Environment. He may not have always been a person who wanted to defend every environmental part of the government policy, but he was prepared to do so because he was the Minister of the Environment. He knew that the Treasurer, who is the Minister of Finance, the Minister of Economic Development and the Minister of Energy would take the non-environment side, the anti-environment side, but he knew that as Minister of the Environment he had to stand up for the environment. Today, my very good friend the former Speaker, the member for Etobicoke Centre, loves to be up there fighting the government of Canada, fighting against the environment. Who on that side speaks for the environment? I would say, behind closed doors,

likely the former Minister of the Environment, now the Minister of Transportation. But certainly it is very discouraging to see the present Minister of the Environment, who is a very articulate and bright person in terms of his ability to handle questions and to deal with the news media—what an asset he could be to the environment if he were out in the hallway fighting for the environment instead of against the environment. All this talent is being wasted in this particular case.

Mr Rick Bartolucci (Sudbury): Jim, can you imagine him against Kyoto?

Mr Bradley: Exactly. I can't imagine that. And I know, because they look to the future, that his wonderful wife and children would be on the side of the environment. I know them well. They are good kids, and his wife is a very, very nice person. I remember that when he was Speaker they would come down the hallway and play ball hockey in the hallway and so on. But I want to say to the minister: that's the role and responsibility of the minister. He's a very talented person. I would love nothing better than to see this individual, my good friend Chris Stockwell, fighting for the environment instead of against the environment.

However, let me go on to some other issues. You'll be interested to know—this is a time allocation motion—that Maude Barlow is coming to town in St Catharines. This is on November 13 at 7 o'clock at the Sir Winston Churchill Secondary School auditorium. What is she going to talk about? Something near and dear to your heart and mine, and that is privatization of health care. She is an expert in this, as she is on water, and she certainly is cautious about any applause to this government for its water policies, although I will have some Toronto water at the present time. I know the pages will want to get that for me at the quickest opportunity. Thank you.

What else shall we look at here? Oh, yes, what it's going to take to implement this policy, both bills. There are some virtuous parts of both this bill and Bill 195. I want to say that. I'm not completely negative about them. I think there are some provisions in this legislation that we're time-allocating this afternoon and in Bill 195, which is another piece of legislation dealing with water, that merit support and approval. There's much that is missing. It's not as comprehensive as we'd like it to be. There are a lot of question marks out there about the dollars and cents, particularly for municipalities that are unable to afford the provisions of these bills, and for lower-income people, who would have a tough time meeting the costs.

I also wish that this afternoon we were talking about the disruption this government has caused to education in our part, the Hamilton-Niagara area, and across the province, because that would be worthy of a lot of discussion in this House. People are looking for some stability, some peace. They want the teachers to be able to teach instead of constantly being harassed by this government. They want to be partners in education, and yet we see policies implemented by this government and just the general

attitude toward members of the teaching profession which discourage them and lower morale within that group of people.

Hospital restructuring has been somewhat of a disaster. We now have a former Minister of Health in the Conservative government of Bill Davis, Dennis Timbrell, in our area looking at the system. I think he's got the status now of investigator. One of my recommendations would be that there be a very significant infusion of provincial funding in the area to assist us in meeting the needs of the people of Niagara, because we have in our area probably the oldest population, on a per capita basis, in Ontario.

I want to look at, because I have to mention this with the minister here, the massive and damaging cuts to the Ministry of the Environment where—well, that was the Honourable Ernie Eves, as Minister of Finance. I know that as minister, the Honourable Norm Sterling was fighting against those cuts behind closed doors and that the Minister of Finance, the Honourable Ernie Eves, was the one with the hatchet out, cutting fully one third of the staff of the Ministry of the Environment and 50% of the operating budget. An interesting fact that a lot of people don't know: the operating budget of the Ministry of the Environment today is lower than it was back in 1976. So we are talking a long time ago. We are talking 26 years ago. The budget of the Ministry of the Environment was higher than it is today. So there is going to have to be a massive investment, not only in the Ministry of the Environment, but a restoration of the staff and funding to the Ministry of Natural Resources, which of course had a lot to do with water protection in this province, and to the conservation authorities.

1640

Neither this bill nor the so-called Safe Drinking Water Act deals with the sources of contamination. The Minister of Natural Resources is listening carefully—I want to give him his credit—because he knows that his ministry has received the hatchet and so much has been taken away from it. I want to help him out, to have restored to his ministry some of the staff and clout and the financial resources he needs to his job properly. He'll want to work as a partner with the conservation authorities, who are only too eager to access the funding that the provincial government can provide for the purposes of defending our raw water supply from contaminants that would come into it. That is clearly missing from all this legislation.

I want to say as well to the minister—he will extol the virtues of the Nutrient Management Act, a management act which allows raw sewage from what we would call outhouses to be spread on farmland at this time for five years. If it were treated sewage, one would say that may have some merit. In days gone by, when there was a staff available to police this, they couldn't get away with some of the things that are happening today. But without the staff there, it's wink, wink, nod, nod and spray all over the province of Ontario. I want to say that the regulations surrounding this act are not in effect yet. They talk about

it, but it's really not in effect, not having its major effect. I don't know who the minister is making reference to, but there we are.

What can the minister do? Where can he find some of this money to do this? Well, he can forgo the corporate tax cut to the friends of the Conservative government. A \$2.2-billion corporate tax cut is to be implemented in this province. There's also a tax credit to go to private schools in this province. With that kind of funding available, there's a lot of reallocation of funds that could be brought about to assist the Ministry of the Environment, the Ministry of Natural Resources and our conservation authorities.

I want to say as well that when we look at general health care in the province we look at medical officers of health. It was pointed out many times, including by Dr Richard Schabas, the former esteemed and highly regarded chief medical officer of health in Ontario, who said that Mike Harris's government turned its back on the people of the province of Ontario and public health in Ontario—he noted that we have to have all of those positions of medical officer of health filled in the province. I think that the minister is now talking about doing so.

I want to say as well that there is a discussion about implementing every recommendation of the O'Connor report. Well, if they are going to do so, there is going to be a significant amount of money that is going to be required to do that. I suspect it's going to be a wink and a nod to many of those recommendations and not really full implementation. The minister will check it off, but if those who have the time and wherewithal to do so check carefully, they will note, in fact, that those provisions have not been implemented.

I say that there is a lot that can be done in the province of Ontario. I look at this bill, and one of the parts I worry about—it obviously doesn't worry some on the government side—is the spectre of privatization of water systems. You have experienced that in Hamilton in an unfortunate circumstance, I think most people would say. Surely one basic thing can be said: that municipalities or some public sector entity should own the water systems in this province. That's a basic. I have a personal bias in favour of owning and operating by municipalities and by OCWA, which is a quasi-government agency. That's the clean water agency. But the least I can say from this government is, I would hope they would include in this bill eventually a provision that all water systems must be publicly owned, at the very least. I think that would be important.

As I say, there are a lot of recommendations in the O'Connor report that will require some scrutiny. I know the minister has been reluctant to move forward on water source protection. He said he's taking a bold new step: he's going to set up a committee. Well, he's the only one who thought it was a bold new step, if he thinks setting up a committee is that. I lament the fact that the government is not moving more quickly, more comprehensively. I do want to say, because I'm a very fair person, that some of the provisions, both in this bill and

in the so-called Safe Drinking Water Act, are worthy of support and are to be recommended to the public of Ontario, and I'd be happy to do that. I simply believe that what we're seeing so far does not meet all of the requirements we'd like to see. We know that the only reason we're seeing this kind of legislation coming forward today is because of the tragedy of Walkerton, where seven people died from drinking the water and well over a thousand people were seriously ill, some of them with complications which will last for many years, or perhaps for a lifetime. That in itself is very sad.

What a lot of people don't realize is that there was an outbreak of cryptosporidium not too far away from there previous to that, where many people became ill. You'll remember that over a hundred people in Milwaukee, those with compromised systems of protection against disease, immune systems, died, and thousands became ill because of that. We found about 20 or 30 municipalities—and these are fairly sizeable municipalities—that didn't have proper treatment systems for the water. All they did was throw some chlorine at it; there was not the full treatment system that was necessary to keep out things such as cryptosporidium.

I notice that the Minister of the Environment is nodding, obviously either in agreement or off to sleep, one of the two, but I'm sure in agreement on some of the things I have said.

The member for Scarborough talked about people in the municipal field. I think the signal is clearly out there; some moved years ago to ensure that they had adequate water systems. But the minister would know and others in this House would know that these systems require constant upgrading. If you were to check the pipes underground in many municipalities, you would find a lot of them corroded, some of them even with holes, and I think that's—

Interjection.

Mr Bradley: This is where I say, because you couldn't see them—the member for Etobicoke Centre will remember when he was on municipal council, it wasn't always attractive to spend money on those things because you couldn't see them. I think one of the benefits of legislation of this kind is that it will focus attention on those needs. I remember at one time in the late 1980s we had a program called LifeLines, where the government paid a percentage of the cost of replacing the old systems, the old pipes underground. We are obviously going to have to have those upgraded for a long period of time.

I'm glad the Minister of the Environment was able to make it in for at least a portion of the remarks that have been made by the opposition, and I look forward to his implementing all of the suggestions that we have made this afternoon.

1650

Mr Michael Prue (Beaches-East York): It is indeed a privilege to stand here today to debate this motion. I wish it was not closure that I was talking about. It seems that although I've been here some 14 months, I never had the opportunity to see this Legislature at a time when

they did not impose closure literally on every bill. I have become quite used to at least making a speech on why you shouldn't be doing it.

Today I hope to talk more about the bill than the actual closure process, and before I begin, I'd like to talk a little bit about Marilyn Churley. I think very much credit should be given to her, to her Safe Drinking Water Act and the great work she has done around the issues of water, groundwater and safety for all Ontarians in being realistic and being assured that when they lift a glass such as this, they can put it to their lips and drink it and will not suffer the consequences of doing so. I will just prove I have great faith in this.

In my time on Metro council, and this has been alluded to by some of the previous speakers, we prided ourselves on how safe the water was for the 2.4 million people of Toronto and for all of those municipalities around Toronto, particularly York, the Markham area and Mississauga, which derived their water from Metropolitan Toronto. In fact, the water is absolutely pure. In tests that have been done on Toronto water versus the water one might find in a bottle that you pay a thousand times more for than what you would for the water coming out of a tap, you will find that in almost every case, the Toronto water is superior. I think we take that a little for granted in the city of Toronto, but it is also a source of huge municipal pride.

If you go to a Toronto council meeting today, at the start of that meeting there will be the singing of O Canada, and there is a screen presentation shown at the same time that O Canada is sung by the members present. In that screen presentation, one of the proudest moments is when a small child, obviously about three or four years of age, takes a glass, runs up to the tap and pours himself a glass of water totally knowing that water is safe. That is something the people of the city of Toronto and I suppose all of Ontario have come to expect.

This bill before us today has many good parts, but there are two parts that worry me. There are two parts that worry me as a former Metropolitan Toronto councillor and as a former councillor with the megacity of Toronto. The first part is that it allows the minister, at his discretion, to impose privatization on any municipality; and in line with that, it allows the minister the authority to privatize or change the business practices of any municipality. That's the first one. The second one is that it allows full-cost recovery for the water, which is a good thing, but does not include source protection, which I think is an omission of some great concern. So those are the two concepts of the bill that I believe need to be strengthened and/or altered completely.

In terms of privatization, we now live in a whole complex area of the economy of North America that is governed by NAFTA, the GATT rules, free trade, and we have to look at the consequences of privatization of our water resources in this province and the municipal water resources.

When it comes to the actual sale and export of water, I do not believe that this bill contains adequate safeguards.

It will not allow, for instance, for public accountability into the sales of water; it will not allow for the sales themselves. Once it has been privatized, people can sell enormous amounts of water south of the border or to any other jurisdiction that wants to buy it; not just water which is put into bottles and sold at \$1 a crack, as one can buy in the supermarket, but water that is sent by tankers, as Newfoundland has attempted to do for the United States, or whole water systems that might be diverted, as there was talk several years ago of diverting part of the Great Lakes to feed the Mississippi when that river system was experiencing a drought.

We need to make sure that our water and our resources, which are so important to the public and people of Canada, are never controlled by a private corporation or especially by private corporations or governments that are not Canadian.

Under this bill, a private corporation will have the ability to design, approve and implement the full-cost recovery set out in the bill. I would suggest that this may in fact be problematic and may run counter to what Justice O'Connor was trying to do.

I would like to briefly quote from Mr Justice O'Connor's second report on the Walkerton inquiry, *The Role of Municipal Governments*, pages 312 and 313, in which he writes:

"Ideally, water rates will rise as necessary to generate adequate resources for drinking water safety while remaining within reasonable boundaries of affordability. This should be possible in the large majority of municipalities.

"That said, the financing of water systems does not occur in isolation of other pressures on municipal budgets. In light of recent restructuring in the municipal sector, especially the transfer of additional open-ended social service costs (eg, welfare) to municipalities in 1998, there is currently some uncertainty about the ability of municipalities to finance all of the programs they are responsible for, including water services. Municipalities may be reducing spending (including borrowing) to plan for potential increases in social service costs. Although I consider it beyond my mandate to make a recommendation in this area, I encourage the province to publicly review the program responsibilities and fiscal capability of municipalities in light of recent restructuring to ensure that the financial pressures on municipalities do not crowd out the adequate financing of water systems.

"I also recognize, however, that rising rates may constitute a significant burden for low-income families and individuals. I do not see it as being within my mandate to comment on the means by which this problem might be addressed. There are a variety of possible approaches. Suffice it to say that, since water is an essential need, it would be unacceptable for those who are unable to pay for safe water to go without. The provincial and municipal governments should ensure that this does not occur by whatever means they consider appropriate."

If we go into that whole flow of privatization, if this government does with water what it has purported to do

with electricity, then I would suggest there are very grave consequences for our poor, for consumers, for our government and for our control of one of the most essential resources of our province and our country.

Around the world where privatization has taken effect, we can see there have often been more problems than solutions. Just to give you a few—some Canadian and some worldwide—I go no further than our sister city of Hamilton. One can go there and see that they have gone through a succession of private owners or private companies that have managed the water system. That system is now in the hands of a private company called RWE, but there have been many, as you well know.

What we have seen in Hamilton is a whole history of sewage spills, dumping of toxic wastes, poor treatment of waste water and a municipality struggling to get back control of its vital water supplies. We have seen that the private corporations, far from being the answer to the problems facing that city, have actually exacerbated the very problems they were hired to solve.

We go then to the town of Goderich, not too far from here, and we see that they have recently hired a firm, Vivendi of France, to try to treat the water, to get a handle on the municipal costs in that town. Vivendi is a very large corporation, known worldwide. Just so people might understand what they have done or what they have not done in the past number of years, this firm that has been hired by the good people of Goderich is being investigated for six cases of corruption in France and is under French judicial review, mostly for attempting to form cartels to hike up the price of water, to stop municipalities from questioning what they were doing and to ensure that they would get rich while people would have a very difficult time getting water that was affordable and, in many cases, decent. This all occurred between 1989 and 1996.

1700

But this company, Vivendi, went even further. They had a policy where they charged an extra 2% for water in order to take that money and that profit and disburse it among political parties. They did that to make sure that the message they were sending out was not challenged by any of the political parties. That, too, is being investigated. I guess it's all part of being a privatized company in that country and I'm afraid might all too readily become a priority of any privatized company in this one.

From that same company, we also see the problem they had in Tréguex, France, which in a three-year period, between 1990 and 1993, served the poor people of that town some 476 days of water not fit for human consumption. So for 476 days out of some 1,000 days, they failed in their duty. As I said, a very large French corporation that made huge amounts of money is now being investigated.

We go to Sydney, Australia, and we see what happened there. They hired a company called Suez-Lyonnaise des Eaux. That city was quite famous a few years ago for having cryptosporidium in the water for about a month before that company even told anyone

they had found it in large concentrations. People were starting to get sick before any medical doctors or medical officers of health or the equivalent that we have here in Ontario were even notified. They did that because it was going to hurt the bottom line.

In Britain, we see what happened after Margaret Thatcher privatized the water. We can see that the water quality in that country has not gone up, but down. We can see that the lower-income people are often cut off water, much as some Ontarians today are being cut off electricity, because they cannot afford it. We see that the infrastructure that was once the hallmark of the British water system, as it was being built and replaced, is no longer being replaced. We can see that there is far less focus on the environment and the environmental concerns around water in Britain than there was before when it was publicly owned.

There are some problems with this bill. I think the major problems are that it does not give the municipalities sufficient control and gives too much ministerial prerogative, but the greatest problem of all is that of potential privatization. The good people of Toronto will be wrestling with this this very month as we debate this in the House and as there are public meetings held, starting on November 20. That coincides almost to the day with the city of Toronto's questioning about what they're going to do with their water sources; whether they're going to contract them out, in line with what this bill allows; whether they're going to have an arm's-length agency and get the politicians off the hook; and whether they are going to be able to raise the necessary funds.

In fact, the public needs to be aware of that. This is far too important an issue to simply be decided in this chamber and this chamber alone. It is an issue that literally affects every single person and the health of every citizen of Ontario. We need to speak out. We need to say that the systems that have worked in this province for 200 years, which provide safe, clean, pure drinking water, need to be preserved. There is nothing wrong with the system. It is not broken. If the pipes are old, then the pipes will need to be replaced. If the water sources cannot be totally protected the way they are, then moves will have to be made to protect them. But we cannot allow this to fall into private hands and suffer the same consequences as happened in Hamilton, France, Germany, Britain, Australia and in every other place that has tinkered with this, trying to save money. There is no sense in saving money when public health is at risk.

The whole factor of what took place in Walkerton has brought us here today. Let us never forget that the water that is safest is that which is controlled by municipal governments directly responsible to the people who live there.

With that, I'm going to stop because I would like to give maximum time to my colleague Marilyn Churley to deal with this. She is, after all, probably the expert in this House.

Mr Joseph Spina (Brampton Centre): Rather than getting into the immediate comments I have before me, I just want to respond for a moment to the member for Beaches-East York and also to the member for Timmins-James Bay, both respectable, honourable colleagues.

The member for Beaches-East York mentioned that the biggest problem their caucus has with this bill is privatization. I would remind the member for Beaches-East York, who was not around in the days that you were an honourable minister of the government, Speaker, that the NDP government of the day in fact were the ones that permitted municipalities to use private sector laboratories instead of government labs, and they did it with just guidelines. When they downloaded that to the municipalities and gave them the flexibility to use private sector labs, they did it with just guidelines—no regulations, no legislation, just guidelines.

However, to their credit, they did indicate that the individuals responsible for the safety of the water system, for the reporting structure and the testing, had to be qualified individuals—an admirable goal, absolutely—and they should be. However, they grandfathered the existing individuals. Hence, when the people from Walkerton, particularly the Koebel brothers, were allowed to remain in their positions, notwithstanding the other problems they had—and that was clearly brought out in the Walkerton inquiry—the reality was that Stan Koebel was unqualified to do the job for which he was responsible.

How did the system work? The system was that the people in charge of the water system do the testing and file a report. The report goes to the medical officer of health and to Ministry of the Environment inspectors. Did the system work? The member for Beaches-East York said it very well. He said, if I may paraphrase him, "The system worked well for 200 years and the problem is not with the system." Perhaps it wasn't, but the reality is that it was people within the system who made it go awry, who caused the deaths that were there. Even with the guidelines the NDP government put in place at the time which allowed municipalities to use private sector labs, it worked when the individuals acted in a responsible, qualified, trained manner.

Do we need proof of this? Of course. There were many other municipalities in this province that from time to time encountered water-table problems. I'll give you an example that I experienced, as many of us did if we travelled at any time during 1997 or 1998. If you went to Thunder Bay, landed at Thunder Bay airport and went into the washroom, there was a sticker in the washroom that said, "It's non-potable water. Don't drink the water." If you stayed at the Valhalla Inn or one of the other hotels near the airport, on the old Fort William side of the city, they supplied bottled water for drinking, for brushing your teeth and so forth.

1710

Non-potable water: why did this happen? Well, you know why. I remember very distinctly this case. I was at an awards banquet for northern Ontario businesses in

North Bay, and the mayor of Thunder Bay at the time, before Mayor Boshcoff, was sitting at the same table I was. Three times he was interrupted by a cellphone call which was clearly a very urgent situation. Who was he on the phone with? Well, I can tell you in retrospect, afterwards obviously speaking with the mayor, he was speaking with the medical officer of health for Thunder Bay district. His last comment on his last call was this: "If that's the case, shut 'er down."

They shut down the water system in Fort William. Why? When Fort William and Port Arthur amalgamated, just to give you a little historical perspective, Port Arthur was on lake water and had a fully treated sewage system, water treatment system; Fort William did not. They were on well water. As with well water in many environments, of course, you run the risk of runoff and so forth, which is part of what happened in Thunder Bay; you run the risk of elements getting into the well system that can contaminate it. But they were bright enough, smart enough, trained enough and qualified enough to (a) detect it early and (b) report it accurately to the medical officer of health. Therefore they nipped it in the bud, as it were. They shut the water system down and issued a boil-water warning. For the nine or 10 months that we were on committee, I think, at one point we travelled through there, and we were not permitted or able to consume the water, because the boil-water warning was in effect and the Fort William side of town had to be upgraded and brought into the proper and complete system for the city.

So there's an example of where the system worked, and even with the guidelines it was the people portion of the system that made it work. Conversely, in Walkerton it was the people portion of the system that allowed it to fail.

Safe drinking water: this Sustainable Water and Sewage Systems Act is a very important bill. One of the elements that is critical of today's debate is that it's another time allocation motion. The honourable member for St Catharines is probably one of our biggest critics when it comes to time allocation motions. Well, if anybody in this House fundamentally supports the context, the objectives and the value of this bill in meeting the recommendations of Justice O'Connor on the report from the inquiry, then don't drag it out with debate. Let's get on with it. Let's get the bill passed here and sent to committee for the five or six days that the House leaders have agreed it is to be at committee for public hearings and, in addition to that, of course, clause-by-clause and amendments. Let's get on with it. If we did that, we wouldn't have to resort to another time allocation motion.

This bill continues the decisive action we have taken since 2000. It demonstrates that this government is sparing no effort to give Ontarians access to clean, safe drinking water. The Sustainable Water and Sewage Systems Act makes for good planning, promotes water conservation and is an integral part of this government's clean water strategy.

I commend the member from Toronto-Danforth—I almost called you by your old riding—because she really

started this ball rolling a few years ago and is a committed crusader. You like that, don't you? Yes. She's a committed crusader on the issue of safe water. I would hope, therefore, that she would be very supportive of the objectives and the details in this bill. I know it may not be perfect, but I know that the member will have her opportunity, as her party will, to propose amendments to the bill when it gets to the committee stage.

Commissioner O'Connor said this would address many of the important issues concerning the financing of water systems. "The requirements for a full-cost report and a cost recovery plan, as generally expressed in this proposed act," are, in his view, "appropriate." I am pleased that Justice O'Connor made that comment, because this act has now been reintroduced to give legal authority to the Ministry of the Environment, as announced by the Premier earlier this year, and it delivers on the Premier's announcement.

We're moving forward in such a way as to ensure a full and robust consultation process. As I indicated earlier, we want to continue to meet with our key stakeholders, particularly people from the municipalities, who unquestionably will have ramifications as a result of this bill. A critical part is that many of them will have to invest major capital dollars to not only upgrade their water treatment and sewage systems, but they are also going to have to invest in either the front end, back end or both ends of the testing process of their municipal water.

We also have a number of small businesses across this province that are being impacted by this bill. We want to ensure that we don't put them out of business but at the same time have some responsible delivery of water services for their people. These are business people like trailer parks, for example. Trailer parks can be severely impacted if we put undue pressure on them to have to test water coming, going and so forth. We want to make sure that we implement a system in this bill that gives them the flexibility to deliver good, safe, clean water to the tenants of their trailer park and that at the same time it doesn't become a burden of cost to the trailer park tenant or to the business owner who runs the park.

We also agree that a fundamental cornerstone needed to ensure safe and clean drinking water is the sustainable financing of municipal water and sewer services. This is absolutely essential. The proposed bill is a tangible recognition of that requirement and is the government's next step in fulfilling O'Connor's recommendations.

We believe that one of the critical success factors behind implementing Commissioner O'Connor's recommendations is the proposed act. The driving force behind this act is the concept of full-cost accounting and recovery. The government believes that legislating full-cost accounting and recovery for municipal water and sewage services is one of the best ways to protect public health and our environment.

The principles of full-cost accounting and recovery are fundamental to sustainability and are key aspects of O'Connor's recommendations in his Walkerton report,

part two. Full-cost accounting and recovery provides us with an accurate picture and a transparent method for identifying all the costs, both operational and capital, associated with water and sewage. They must be distinguished so that, first of all, it's a very transparent process and, secondly, so that we can better address the issue of who pays for what.

1720

I know one of the elements that the member for Timmins-James Bay mentioned earlier was the difference between user fees and taxes. Well, there is a very distinct difference between user fees and taxes. He claims that user fees are in fact taxes and that they're somehow unfair. Well, I beg to differ on this fundamental underlying point. A tax is something that is paid by everyone who pays taxes. A user fee is something that is paid for by the individual who is using the service.

Interjection: Hence the term "user fee."

Mr Spina: Thank you, Minister: "Hence the term 'user fee.'" Well, do you know what? I think that's an even fairer system than taxes, because when certain individuals do not want to support the usage by people or others who are using a service, then why should I as a taxpayer support or subsidize that particular usage?

In Brampton, for example, we have probably one of the best parks and recreation systems, second to virtually no other city in Canada. It is the legacy of our city, it is something to be proud of, and I can tell you that as a taxpayer I know that a substantial chunk of my property taxes go toward carrying the cost of these parks and recreation systems. They are great systems, but nevertheless, folks, there are users of that system and there are non-users, and at the same time, virtually none of our recreation centres, with the exception of one or two, are profit-making. They don't even break even. But the reality is that if we enrol our children there for swimming classes or if we ourselves take the opportunity to go to a senior swimming class or a water fitness workout, whatever the element is, I should have to pay for the use of that pool. I don't have a fundamental problem with that, but at the same time, if I have retired seniors or people on fixed incomes or low-income people, it's not fair; if they are not using the system, they shouldn't have to pay and subsidize it with their taxes. User uses, user pays; big difference from taxpayers.

As you've undoubtedly heard, Justice O'Connor made several references in his report to the need for municipalities to ensure that the systems are adequately financed. To quote him, "Over the long term, safety depends on stable and adequate financing to maintain the system's infrastructure and its operational capacity to supply high-quality water consistently." If passed, this act will make it mandatory for municipalities to assess and cost-recover the full amount of water and sewer services. This act will ensure that water and sewer systems generate sufficient revenue to fully recover all their long-term operating and capital costs.

The concept of full-cost recovery is not new. Municipalities are already able to apply full-cost recovery if

they wish and, in fact, some have implemented this to varying degrees. But, as the saying goes, the devil is in the details, and although some municipalities claim to be recovering full costs, they really don't know the extent to which they are recovering all of their long-term investment needs. It's easy enough to get a quote to build something and to then run it for two, three, four, five years, but sometimes, when you get into the third, fourth or fifth year of operating that pool, park and rec centre, sewage disposal plant or whatever it is, you kind of forget that you floated a debenture to finance this thing, but when somebody is asked, at the end of the line, "How much did it cost to build that sewage treatment plant?", well, it was \$25 million or \$45 million, whatever the case may be. They floated a debenture, and 10 years down the road you've got a change in council, you have a change in administration, and all they know is they're still carrying this debenture they floated 10 years ago that they've got to pay off and they forget, often, what it was for.

So we want to make sure that the reporting requirements and the detailed analyses of full-cost accounting would include things like all operating and capital costs, financing costs, renewal, replacement and improvement costs, infrastructure and investments required to maintain and expand the system, and in addition all sources of revenue.

Just on that point, I got a letter today from the chair of the region of Peel. It may sound critical in some way, but I think of it as a very forward-thinking government that is very interested in what is happening as part of this act. I'm going to read as much of it as I can, given the time. This is from the acting regional chair and Matt Zamojcz, who is the commissioner of public works:

"I am writing to advise that regional council approved the following resolution at its meeting held on August 8, 2002:

"That regional council request the Minister of Environment and Energy" at the time "to advise the region of Peel on the status of the overall guidelines review of land application of biosolids, given the outcome of the Walkerton recommendations;

"And further, that the region of Peel express its concerns about the specific site described by the delegation of Mr David Hughes of Sewage Sludge Application ... St Andrew's Road, Caledon as the information provided indicates serious watershed/groundwater issues;

"And further, that the region of Peel request the opportunity"—this is key—"to be involved in both the guideline and application review by the MOEE and that consideration of the environmental process be applied;

"And further, that a copy of the subject resolution be forwarded to the Peel area MPPs and the Peel Federation of Agriculture."

I just give that as an example. There is a perceived problem here in Caledon, within the region, and they are making it very clear and very succinct that they want to be involved in the process of evaluating what is happening in this, but also how what we are doing here impacts on what they are trying to do for the citizens.

We want this act to pass very quickly, because it's important for the people of our province. It is a perfect response to Justice O'Connor's recommendations, but clearly any member of this Legislature who applauds the objectives of the Walkerton inquiry should support this bill.

The Acting Speaker: The floor is now open for further debate. The chair recognizes the member for Toronto-Danforth.

Ms Marilyn Churley (Toronto-Danforth): Thank you, Mr Speaker. You got the name of my riding correct. I appreciate that. But I still do prefer the name of the riding previously. Of course, it was Broadview-Greenwood and before that Riverdale. Dennis Mills, the Liberal member, unilaterally changed the name after the Harris government made the ridings the same as the federal ones, without consulting me or the constituents in the community. None of us were amused by this because we thought—Donna is agreeing with you; you have to be good over there, you're in the audience—that it would have been a perfect opportunity, since the riding came together—Riverdale and East York—to call it East York-Riverdale, Riverdale-East York or something like that, a perfect opportunity to include the names of the two ridings that were jelled. But no, now we're called Toronto-Danforth. I'm sure the people on the Danforth appreciate that. It's a great street—Greek restaurants and all kinds of other diversity on that street—and it's good for them, so maybe we could have gotten Danforth in there as well because it's the middle of the riding. But no, we're called Toronto-Danforth. Anyway, that's what we're called and I am the member for Toronto-Danforth. I had to get that out because I'm really annoyed by it. I must say, psychologically—I haven't even changed my sign yet, but I know I have to do it and we're about to make that change. Finally I'm catching up with reality here.

I was listening earlier to the Minister of the Environment and just then to the member for Brampton—where is he from? Brampton something. I understand that we are actually debating the bill, I suppose, in a way, but what we're debating here is yet again another time allocation motion. Is that what we are doing here today? I was home sick today and I came in so that I could participate in this debate and finish my leadoff on the Safe Drinking Water Act tonight.

1730

I did catch your question. I just want to let you know it showed up on TV when you said the line about keeping their heat on all summer and after you sat down you immediately corrected it and said, "I meant winter." I heard it loud and clear. I just want you to know that it came across on TV.

I'm just really dismayed that here we are again debating a time allocation motion on an important bill like this and already the minister has decided on how many days of hearings we are going to have across the province. We also have to figure out how many days we have for the Safe Drinking Water Act. These bills are of

monumental importance to the people of Ontario. I would say to the minister that this particular bill is of great concern to individuals and municipalities across the province.

It seems that what we've all tended, for obvious reasons, to focus on with this bill more than anything, although there is a need for a great deal of discussion on many aspects to this bill, is full-cost recovery. We are going to have to have a very good discussion about this and what we mean by it. It's so easy for the government members and everybody to stand up—almost everybody seems to be onside with full-cost recovery. Justice O'Connor recommended it, I know the environmental community likes it, and we in general are saying the concept sounds good that we should be conserving our water and taking care of our water and not taking it for granted. But when we start throwing out the term "full-cost recovery", what do we mean by that?

Can you imagine how people in municipalities must be feeling as they listen to us get up and lightly talk about how we are going to pass this bill and we are moving to full-cost recovery, when they are getting the hydro bills they are getting now with the excuse from the government that, "It's just full-cost recovery; people have to pay the amount it costs to produce the energy"? Can you imagine what they must be thinking? "Oh no, now they are going to stick it to us with water." They have reason to be legitimately concerned here.

I want to hear from the public, and I don't think five days is going to do it. Is this when we are in session here in the Legislature? Is it going to be after we meet here at 3:30 or 4? Are we going to travel the province so that people have an opportunity to talk about this bill and to talk about what they would see as a fair funding formula, ie the province coming back into that partnership that used to be there when you and I were in government and governments before us, a fair-funding partnership between the province and municipalities? If this is an excuse now for this government to walk away from that fair-funding partnership that used to exist, then that is just not on. We have to have a discussion of what we mean by this.

When the member from Brampton—I have to find out where he is from, because it is going to show up; can you tell me where he is from?—talks about user fees, he says "Well, you know, user fees are user fees. They are not taxes," I wish he had been in this House or had been listening when we were over there—

Interjection: Brampton Centre.

Ms Churley: Brampton Centre—and every time there was any discussion about a user fee in any capacity on our side of the House, they would get up on their hind legs—do you remember this, Mr Speaker?—and start going on and on: "User fees are just another tax. There is only one taxpayer in this province." Now suddenly: "User fees are different, and if you are not using it, you shouldn't have to pay for it." What a change in values we are seeing here today.

Mr Bisson: But that was then.

Ms Churley: But that was then, that's right. They should not be allowed to get away with that. I believe that user fees are applicable in many situations, and I believe that there should be full-cost recovery for water. But what does it mean? Perhaps it means that the government's got to get back into establishing what I call a safe drinking water fund, which was part of my safe drinking water bill and it's no longer included in the government's bill, where the government comes in and spends under general revenues the amount of money that needs to be spent to upgrade our systems clear across the province. Indeed, what the province has been doing is just the opposite. The Tory government brought in new regulations after the tragedy in Walkerton and then did not supply the funding for municipalities, particularly the smaller ones, which needed to upgrade their systems. What did the government do instead of giving them the money? They extended the deadline. So some of these communities may have unsafe drinking water. They may not know whether it's safe or not. Instead of giving them the funding they needed to upgrade their systems, they walked away from it and said, "We'll give you a longer time to meet the requirements of the new regulations."

Perhaps what we should be talking about when we're talking about full-cost recovery is the government spending whatever it takes to upgrade the system so that the systems are safe and we're paying the costs of source protection, which isn't included, by the way, in this bill in cost-recovery, nor is it included in the Safe Drinking Water Act. We're still not talking about how we're going to pay for the cost of protecting our water at its source. It's left out of this bill as well.

I'm sure the public, environmental groups, municipalities, the AMO and all kinds of people will give us different models as to how we should implement a full-cost recovery system—it not only means when you turn on your tap. Here in Toronto, of course, we already pay. We can afford it, but we certainly don't want to see our rates go through the roof either; nor does anybody. What we should be talking about is who uses water. It's not just you and me when we turn on our taps, it's all the industry out there using water for free. They just have to pay for a permit to take water. I know that would make them nervous as well, thinking that they may suddenly have to start paying. It could be a small amount, but you can't just say it's municipalities, you and I, when we turn on our water. We have to figure out what a fair share is that the government should be paying under a fund set up specifically to deal with safe drinking water.

I would say to the Minister of the Environment and the government, when you get up and start talking about the full-cost recovery, bear in mind that you cannot get away with doing what you've just done to hydro rates. That is just not on, and people out there, I can tell you, will guarantee it.

Let's say in principle we agree to some kind of full-cost recovery, basically so that we don't take water so for granted any more, but at the same time really stringent conservation and efficiency measures are brought in, like

the NDP did when we brought in OCWA, the Ontario Clean Water Agency. In order for municipalities to get funding to upgrade their systems, they actually had to build in a conservation plan, which worked; it saved them money down the road.

That should be true of all water users as well. We should have incentives from the government. They should be helping us. The government should be helping people conserve and take care of our water.

I just want to say to the people out there who are concerned and nervous about this, we will be fighting hard to make sure that those systems are put in place and you do not end up being stiffed with huge water bills like you are for hydro right now. For heaven's sake, nobody can afford it. That is not to say we don't need programs in place, jointly shared with the government, to make sure our water is safe to drink. That should be what this and the other bills are all about.

I've talked quite a bit about this bill in the past, and I'm not going to go into a lot of detail about it today, but I do want to respond to—where did you say he was from, Brampton North?

Mr Prue: Brampton Centre.

Ms Churley:—the member for Brampton Centre, who talked about, when we were discussing the safe drinking water bill the other day, when the minister introduced it—and you'll hear more from me about this tonight; I have about a half-hour or so left on my leadoff for the NDP caucus—coming full circle, like these books, like all the work and money that went into the inquiry that happened under Justice O'Connor, didn't happen. I'm hearing government members now saying—it has become a mantra—"Let's come full circle; let's go back to blaming the Koebel brothers completely," and going back to, "Well, the NDP privatized some labs in the first place." Remember, that's where Mike Harris started. One of the reasons why we had this inquiry was to find out what went wrong so we'll never repeat those mistakes again.

1740

I advise all members, if you're really interested in knowing what happened with the privatizations of the labs and what went wrong, read the Report of the Walkerton Inquiry, part one. Turn to page 372, 10.3.2: "The Failure to Regulate Private Laboratories." Justice O'Connor goes on at great length about what happened there. It's not a pretty sight when he outlines in great detail the way this government did it.

Yes, when we were in government the NDP allowed certain labs to do some of the water testing in this province. But we kept the four labs open; not only that, but there were 13 Ministry of Health labs. You don't hear about those at all. We focus on the four Ministry of the Environment labs that we shut down, but there were 13 Ministry of Health labs that also did water testing. In fact, that's where Walkerton used to get its water tested.

They were not consulted with. This is not me saying this alone. This is in Justice O'Connor's report. The Ministry of Health were told that they had to do it. They

were not consulted with around the possible health implications. Neither did the ministry nor the government of the day listen to warnings from officials that closing them down so quickly—there was a directive in 1994-95 about the possibility of privatizing all the labs that tested water, but it said it would take two to three years to get it right, to get an accreditation system and all of the regulations in place, the reporting, all of that; two to three years. The government reduced it to four to eight weeks. All of a sudden, every jurisdiction in this province was told, "You have to privatize right now. We're shutting down the labs." The Ministry of Health labs closed down a few months later. So there was nothing left. The infrastructure that had been built up over the years that tested the water of most of the municipalities, particularly the smaller ones, in this province was shut down almost overnight with nothing in place. There were warnings given to the government and nobody paid attention.

As you know, I was one of those people on my feet warning the government back when they closed those labs in 1996. In fact, it was cited that when former Premier Harris was being questioned at the inquiry—I was there—there were four or five warning bells in a couple of questions I directly asked the then minister, Mr Sterling, and the Premier about the closing of these labs. The possible dangers were just sloughed off and Eva Ligeti's report was sloughed off. There were warnings; they can't say that there weren't.

So I want to say to the members, when they get up and try to bring this full circle again and say it was just the Koebel brothers—oh, absolutely they played a big role in this; nobody is denying that. But the reality is that these two reports go into great detail about this government's role and the downsizing, the downloading, the deregulation, all of those things. The privatization of the labs played a key role in what happened in Walkerton, and we're supposed to be learning from that. It doesn't do any good for government members to now be trying to get the mantra out that it was really just the Koebel brothers.

I also want to point out, and I've pointed it out many times in this Legislature and I'm going to do it again, that these are important reports for people to read. On pages 312 and 313 in part two of the Walkerton Inquiry report—I'm coming back to cost recovery, which Justice O'Connor talked about, although he didn't recommend a particular model; again, that's something we need to discuss when we go out there in the public, and I just don't think four or five days is enough time to do that—he raises serious concerns about downloading. He calls it "restructuring," but really it's the downloading that the government imposed on municipalities.

On page 313 he says, "The financing of water systems does not occur in isolation of other pressures on municipal budgets. In light of recent restructuring in the municipal sector, especially the transfer of additional open-ended social service costs (eg, welfare) to municipalities in 1998, there is currently some uncertainty about the ability of municipalities to finance all of the programs

they are responsible for, including water services. Municipalities may be reducing spending (including borrowing) to plan for potential increases in social service costs. Although I consider it beyond my mandate to make a recommendation in this area, I encourage the province to publicly review the program responsibilities and fiscal capability of municipalities in light of recent restructuring to ensure that the financial pressures on municipalities do not crowd out the adequate financing of water systems."

So let me make it abundantly clear that we in the New Democratic Party will not put up with having this government go out and do to people exactly what they did to them on hydro, saying that Justice O'Connor and environmentalists support full cost recovery, in isolation of the other parts of the Justice O'Connor report that talk about the problems that municipalities already have in dealing with the costs that have been downloaded.

There are a lot of other things I could say about this particular bill before us. I will talk more about the Safe Drinking Water Act tonight, but I would say to the government that the Ministry of the Environment was more severely cut than any other ministry, regulatory-wise, staff-wise and resource-wise. That's documented in Justice O'Connor's reports as well.

If we are really sincere, all three parties, in trying to make sure that what happened in Walkerton never happens again, we have to get out there and listen to the people in Walkerton and to the people across the province, to their criticisms of this bill and their ideas of how we can bring in such a bill, bring in some kind of full cost recovery, but in full partnership with the government so people don't literally have their water turned off. Can you imagine that? That's what's happening with hydro right now.

I want to say to everybody who is in favour of full cost recovery of our water services, bear in mind that we in this party are not going to allow any kind of full cost recovery to go ahead without built-in mechanisms to support those municipalities and individuals who need some kind of funding and resources from the government to make sure that they adhere to stricter conditions to make their water safe and that they can pay for those and that their water will never be turned off.

I look forward to this bill going out to hearings so we can hear from the people of Ontario.

The Acting Speaker: The time for debate has expired. Mr Stockwell has moved government notice of motion number 57. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please indicate by saying "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1747 to 1757.

The Acting Speaker: Those members in favour of the motion will please rise one at a time and be counted by the Clerk.

Ayes

Arnott, Ted
 Baird, John R.
 Barrett, Toby
 Beaubien, Marcel
 Clark, Brad
 Clement, Tony
 Coburn, Brian
 DeFaria, Carl
 Dunlop, Garfield
 Ecker, Janet
 Elliott, Brenda
 Flaherty, Jim
 Galt, Doug
 Gilchrist, Steve
 Gill, Raminder
 Guzzo, Garry J.

Hardeman, Ernie
 Hastings, John
 Hudak, Tim
 Jackson, Cameron
 Johns, Helen
 Johnson, Bert
 Kells, Morley
 Klees, Frank
 Martiniuk, Gerry
 Maves, Bart
 Mazzilli, Frank
 McDonald, AL
 Miller, Norm
 Molinari, Tina R.
 Munro, Julia
 Murdoch, Bill

Mushinski, Marilyn
 Newman, Dan
 O'Toole, John
 Ouellette, Jerry J.
 Sampson, Rob
 Snobelen, John
 Spina, Joseph
 Sterling, Norman W.
 Stockwell, Chris
 Tascona, Joseph N.
 Tsubouchi, David H.
 Turnbull, David
 Wettlaufer, Wayne
 Witmer, Elizabeth
 Wood, Bob

Nays

Bartolucci, Rick
 Bisson, Gilles
 Boyer, Claudette
 Bradley, James J.
 Caplan, David
 Churley, Marilyn
 Colle, Mike
 Crozier, Bruce
 Curling, Alvin
 Di Cocco, Caroline

Dombrowsky, Leona
 Duncan, Dwight
 Gerretsen, John
 Gravelle, Michael
 Hampton, Howard
 Hoy, Pat
 Kennedy, Gerard
 Kormos, Peter
 Kwinter, Monte
 Lalonde, Jean-Marc

Martel, Shelley
 McLeod, Lyn
 Parsons, Ernie
 Patten, Richard
 Phillips, Gerry
 Prue, Michael
 Pupatello, Sandra
 Ramsay, David
 Ruprecht, Tony
 Sergio, Mario

The Acting Speaker: Those members opposed to the motion will please rise one at a time and be counted by the Clerk.

Clerk of the House (Mr Claude DesRosiers): The ayes are 47; the nays are 30.

The Acting Speaker: I declare the motion carried.

It now being after 6 of the clock, this House stands adjourned until 6:45 this evening.

The House adjourned at 1800.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

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Baird, Hon / L'hon John R. (PC)	Nepean-Carleton	Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint
Barrett, Toby (PC)	Haldimand-Norfolk-Brant	Parliamentary assistant to the Minister of Agriculture and Food / adjoint parlementaire à la ministre de l'Agriculture et de l'Alimentation
Bartolucci, Rick (L)	Sudbury	Deputy opposition House leader / chef parlementaire adjoint de l'opposition
Beaubien, Marcel (PC)	Lambton-Kent-Middlesex	Parliamentary assistant to the Minister of Finance / adjoint parlementaire à la ministre des Finances
Bisson, Gilles (ND)	Timmins-James Bay / Timmins-Baie James	Chief New Democratic Party whip / whip en chef du Nouveau Parti démocratique
Bountrogianni, Marie (L)	Hamilton Mountain	
Boyer, Claudette (Ind)	Ottawa-Vanier	
Bradley, James J. (L)	St Catharines	
Brown, Michael A. (L)	Algoma-Manitoulin	First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Bryant, Michael (L)	St Paul's	
Caplan, David (L)	Don Valley East / -Est	Deputy opposition whip / whip adjoint de l'opposition
Carr, Hon / L'hon Gary (PC)	Oakville	Speaker / Président
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Chudleigh, Ted (PC)	Halton	Parliamentary assistant to the Minister of Finance / adjoint parlementaire à la ministre des Finances
Churley, Marilyn (ND)	Toronto-Danforth	
Clark, Hon / L'hon Brad (PC)	Stoney Creek	Minister of Labour / ministre du Travail
Cleary, John C. (L)	Stormont-Dundas- Charlottenburgh	
Clement, Hon / L'hon Tony (PC)	Brampton West-Mississauga / Brampton-Ouest-Mississauga	Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Coburn, Hon / L'hon Brian (PC)	Ottawa-Orléans	Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement
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Curling, Alvin (L)	Scarborough-Rouge River	

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
DeFaria, Hon / L'hon Carl (PC)	Mississauga East / -Est	Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées
Di Cocco, Caroline (L)	Sarnia-Lambton	
Dombrowsky, Leona (L)	Hastings-Frontenac-Lennox and Addington	
Duncan, Dwight (L)	Windsor-St Clair	Opposition House leader / chef parlementaire de l'opposition
Dunlop, Garfield (PC)	Simcoe North / -Nord	Parliamentary assistant to the Premier and Minister of Intergovernmental Affairs / adjoint parlementaire au premier ministre et ministre des Affaires intergouvernementales
Ecker, Hon / L'hon Janet (PC)	Pickering-Ajax-Uxbridge	Minister of Finance / ministre des Finances
Elliott, Hon / L'hon Brenda (PC)	Guelph-Wellington	Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance
Eves, Hon / L'hon Ernie (PC)	Dufferin-Peel-Wellington-Grey	Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales
Flaherty, Hon / L'hon Jim (PC)	Whitby-Ajax	Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
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Hastings, John (PC)	Etobicoke North / -Nord	Parliamentary assistant to the Minister of Citizenship, minister responsible for seniors / adjoint parlementaire au ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées
Hodgson, Hon / L'hon Chris (PC)	Haliburton-Victoria-Brock	Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Hoy, Pat (L)	Chatham-Kent Essex	
Hudak, Hon / L'hon Tim (PC)	Erie-Lincoln	Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises
Jackson, Cameron (PC)	Burlington	
Johns, Hon / L'hon Helen (PC)	Huron-Bruce	Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Johnson, Bert (PC)	Perth-Middlesex	Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative
Kells, Morley (PC)	Etobicoke-Lakeshore	Parliamentary assistant to the Minister of Municipal Affairs and Housing / adjoint parlementaire au ministre des Affaires municipales et du Logement
Kennedy, Gerard (L)	Parkdale-High Park	
Klees, Hon / L'hon Frank (PC)	Oak Ridges	Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
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Kwinter, Monte (L)	York Centre / -Centre	
Lalonde, Jean-Marc (L)	Glengarry-Prescott-Russell	
Levac, Dave (L)	Brant	
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Marland, Margaret (PC)	Mississauga South / -Sud	
Martel, Shelley (ND)	Nickel Belt	
Martin, Tony (ND)	Sault Ste Marie	
Martiniuk, Gerry (PC)	Cambridge	
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Mazzilli, Frank (PC)	London-Fanshawe	Parliamentary assistant to the Attorney General and Minister responsible for Native Affairs / adjoint parlementaire au procureur général et ministre délégué aux Affaires autochtones
McDonald, AL (PC)	Nipissing	Parliamentary assistant to the Minister of Enterprise, Opportunity and Innovation / adjoint parlementaire au ministre de l'Entreprise, des Débouchés et de l'Innovation
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Molinari, Hon / L'hon Tina R. (PC)	Thornhill	Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
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Murdoch, Bill (PC)	Bruce-Grey-Owen Sound	Parliamentary assistant to the Minister of the Environment and government House leader / adjoint parlementaire au ministre de l'Environnement et leader parlementaire du gouvernement
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Sterling, Hon / L'hon Norman W. (PC)	Lanark-Carleton	Minister of Transportation / ministre des Transports
Stewart, R. Gary (PC)	Peterborough	Parliamentary assistant to the Minister of Natural Resources / adjoint parlementaire au ministre des Richesses naturelles
Stockwell, Hon / L'hon Chris (PC)	Etobicoke Centre / -Centre	Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement
Tascona, Joseph N. (PC)	Barrie-Simcoe-Bradford	Parliamentary assistant to the Minister of Consumer and Business Services / adjoint parlementaire au ministre des Services aux consommateurs et aux entreprises
Tsubouchi, Hon / L'hon David H. (PC)	Markham	Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
Turnbull, Hon / L'hon David (PC)	Don Valley West / -Ouest	Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation
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Wilson, Hon / L'hon Jim (PC)	Simcoe-Grey	Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
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These lists appear in the first and last issues of each session and on the first Monday of each month. A list arranged by riding appears when space permits.

Ces listes figurent dans les premier et dernier numéros de chaque session et du premier lundi de chaque mois. Par contre, une liste des circonscriptions paraît si l'espace est disponible.

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Government
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Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Monday 4 November 2002

Lundi 4 novembre 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 4 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 4 novembre 2002

The House met at 1845.

ORDERS OF THE DAY

SAFE DRINKING WATER ACT, 2002

LOI DE 2002 SUR LA SALUBRITÉ DE L'EAU POTABLE

Resuming the debate adjourned on October 31, 2002, on the motion for second reading of Bill 195, An Act respecting safe drinking water / Projet de loi 195, Loi ayant trait à la salubrité de l'eau potable.

The Acting Speaker (Mr David Christopherson): I'm advised that the member for Toronto-Danforth last had the floor when this bill was before us. You have about 41 minutes for the third party leadoff. You may now continue that speech.

Ms Marilyn Churley (Toronto-Danforth): I left off on Thursday talking about some of the cuts and down-loading that happened under this government's watch, the Mike Harris government's watch, and gave that as a backdrop, but I also took the time, and I want to do it again now, to acknowledge the people of Walkerton and to thank them for their response to the terrible tragedy that happened in their town. Their perseverance and their dignity and their ability to carry on, despite this horrible thing that happened to them, to make sure that this never happens to another community in the province of Ontario is to be admired. I'm sure we all want to pay homage to all of the people of Walkerton but particularly to those who lost loved ones or whose loved ones are ill.

Last Thursday, I talked quite a bit about what led us to Walkerton although I still recommend to everybody to read these reports. They're very easy to read, quite comprehensive, and it really gives in stark detail what went wrong in parts one and two, and the role that his government played, the role that the municipality played, the role that everybody played in the terrible things that lead to that disaster.

Today, I want to talk specifically about the bill before us and compare it to the bill that I proposed, which did pass second reading in this House, and that was Bill 3. I do appreciate the fact that the Premier and the Minister of the Environment and others have acknowledged the role that I played in leading us to be here in the Legislature,

way too late, but finally, debating a Safe Drinking Water Act.

Again I'm going to say, before I launch into the comparison, to be fair to the government, because I am a fair person, that my Safe Drinking Water Act was written without the benefit of the Justice O'Connor inquiry and the reports. Indeed, I started working on that bill some time before the terrible events happened in Walkerton. I knew that when we were in government, as we all knew, there was a patchwork of guidelines and regulations and laws under several different ministries that didn't come together, and at that time I was aware—we all were—that we needed to do something to bring these acts together. One of the things we did as a government to start us in that direction was to bring in the Ontario Clean Water Agency. In fact we took, I think it was, \$200 million out of the ministry. The government, Mike Harris, by the way, first said that we'd cut the ministry by that amount. Remember that, when he was trying to blame the NDP for what happened? As it turned out, we demanded a correction and we got it, that that \$200 million went directly into setting up the Ontario Clean Water Agency to begin that process of having an agency whose prime purpose was to take care of and deal with safe drinking water in this province.

The other thing that we did was to bring in a green planning act. You will recall, Mr Speaker, because you were there, John Sewell, Toby Vigod from CELA, and others crisscrossed the province for, I believe it was a year or two, a long time—and they came in under budget. I always have to put that in because they're very proud of that and they also did an incredible—we were proud of them too, given that there was a recession at the time. They came forward with recommendations and we created a green planning act as a result of that which all stakeholders could live with.

There were some developers who weren't happy with parts of it. There were some environmentalists who weren't happy with parts of it. There were some communities that weren't happy with parts of it. But the bottom line was, it was a pretty darned good bill that actually did protect the environment and also protected the water at its source, which is a big piece that's missing from this bill, the nutrient management bill, the sewer and water bill that we were debating earlier today. That piece had been started by our government under the green planning act, because of course when you start talking about protecting the source of the water, you have to deal with development in any environmentally sensit-

ive areas. We brought in that act, which this government completely cancelled. It just left no aspect of it and went back to the previous Planning Act and in fact changed that regressively, so we went back even before that previous Planning Act. That went a long, long way in terms of starting the process of protecting water at the source.

1850

We also provided adequate funding for conservation authorities, which this government cut by I believe about 70%, plus huge cuts to the Ministry of the Environment and the Ministry of Natural Resources. And they cut another program that the NDP brought in. We called it CURB, Clean Up Rural Beaches. Yes, it cost dollars, and I know we were in a recession. When that party was over here at the time where I'm standing now, everything we did that actually cost some money, even if it meant protecting the environment or providing housing for vulnerable people or providing adequate health care, all those things, we were slammed every day in this Legislature for letting the deficit go up, while this government borrows money to give tax cuts to the wealthy. I still stand by what we did when I think about the things we spent that money on: keeping people afloat, trying to keep jobs, saving companies up north and indeed protecting the environment.

So, yes, we brought in many new programs. In fact, we gave the largest amount of funding ever to the Ministry of the Environment when we were in government. One of the little programs we brought in was CURB, Clean Up Rural Beaches. It dealt specifically, once again, with source protection. In this case, it was very specific: keeping cow and other animal manure out of wells and other drinking sources. It made a lot of sense and it was some millions of dollars; I can't remember the amount. But we went out into the farm community and worked with the farmers to figure out where the water source was vulnerable and to help them fence off and do education programs.

Those are the kinds of things we did, when we were in government, to start that process of source protection. When this government stands, which it frequently does, including the minister the other day, and points accusingly across the floor, "What did you guys do when you were in government? You did nothing," he is so wrong. We indeed did a lot—not enough; more to come.

We also brought in the Environmental Bill of Rights. I as the Minister of Consumer and Commercial Relations—few people know about this. I know you will remember, Mr Speaker, because I was very proud of this other little source protection piece I did that doesn't get talked about. It's known as LUST. Do you remember LUST? You don't have to answer that, Mr Speaker. LUST is leaking underground storage tanks. I brought in the toughest regulations for leaking underground storage tanks in I believe all of North America. It was little noticed. It wasn't a sexy program, even though it was called LUST. It didn't get a lot of media—I made him smile. I worked very hard on that program, along with

John Swaigen, who is a local environmental lawyer who had written a book about the subject and had lobbied previous governments before to do something about this tremendous problem of the old tanks. We don't even know where they're all buried, unfortunately. It's not an issue that comes up a lot in this House, but it too has led to contamination of our groundwater. Bringing in new regulations and trying to deal with all the old ones that are leaking was another key piece of the work our government did on source protection.

Right now I have named three pieces. There are more, but those are the three significant pieces that our government did: the green planning act; LUST, leaking underground storage tanks; and CURB, Clean Up Rural Beaches. There was more, but I just wanted to say that again for the record tonight because I know there will be government members up with their canned speeches ready to read. I hope they're not going to go there again tonight but I just wanted to make sure that was on the record.

I was very pleased to finally see a Safe Drinking Water Act before us. After working so hard on that—and as you know, we're a very small caucus. I think we were a little bigger when I started to write that bill, but there weren't a lot of resources in our research and caucus staff to help me very much with that bill. Basically I did it on my own with Sean Morton, who was then my legislative assistant and an environmental lawyer, as well as Chris Watson, who you'll recall was with us then and was the researcher for many areas—because we're spread pretty thin in that little caucus—and a very hard worker. He did a very good job, and of course is now off in Ottawa being the principal secretary to the federal NDP at this very exciting time in the party's history.

Anyway, it was me, Chris Watson and Sean Morton, together with some experts in the field—Rick Lindgren from CELA, in particular—that we drew on. We drew on his expertise, Paul Muldoon's and others; not, of course, in any partisan way, because they're a non-partisan organization that would deal with any member in this House from any party. If you should come to them and ask for their advice, I say to the government, on amendments to the bill, which I will be doing, asking them for their advice, they would give their advice for free to any of us because it's their goal to further the enhancement and protection of the environment.

So we worked very hard for days and weeks and months on that bill to get it as good as we could, with the help of our very good legislative services, which drafted the bill and dealt with us time and time again, to try to get it right. So those are the people I want to thank for helping me write this bill, which was a pretty good bill at the end of the day.

It was based on US safe drinking water legislation, which celebrated its 25th anniversary at about the time I was bringing forward my bill. My bill drew a lot, as well, on the track record that has been available to us from the US for some time, and I did add some made-in-Ontario pieces. But we drew on that particular bill.

It's important to point out that Justice O'Connor came at his recommendations from a somewhat different point of view. And this is why I say I want to be fair to the government here because, as I said, I did mine trying to bring everything that I could, as best I could as a private member, into one piece of legislation. What Justice O'Connor does in part two of his report is basically recommend coming at all of the water pieces under four different pieces of legislation, instead of trying to do it in one piece. Between both the part one and part two reports, he comes up with a number of recommendations that make it easy for the government to follow. Indeed, his version of a Safe Drinking Water Act dealt mostly with pipes and pumps. That is the reality. Mine tried to deal with other things, including some source protection in the best way I could, and other items.

But what I want to say to the government is that because they did not bring forward source protection—understand, with the nutrient management bill, which is now out there and the minister is still consulting about, the regulations that would do any kind of source protection still have not been brought into force. The Safe Drinking Water Act does not even mention source protection. We're dealing with a sewer and water bill that is more nuts and bolts, but also doesn't deal with it. It talks about full cost recovery, but without talking about who's going to pay, for instance, for the expenses involved in source protection.

The bill the government brought forward does deal with, fundamentally, the pipes and pumps, the safe delivery of our water, but doesn't deal with keeping that water safe and clean before it actually goes into the pipes, which is what Justice O'Connor talked a lot about throughout both his reports. He talked about a multi-barrier approach. The single thread throughout both the reports, in fact, dwelt on source protection and multi-barrier, source protection being the first part of the multi-barrier approach to protecting our water. It's a key piece, and it's the piece that's left out of this bill.

The government does say, to be fair, that Justice O'Connor recommended doing the source protection under a different act. He recommends amending the EPA, the Environmental Protection Act, to deal with source protection, and that's what the minister says he's doing. But what is alarming is that, here it is, what, two and a half years now since the tragedy in Walkerton, and Tony Clement, a former Minister of the Environment said, I believe it was in 1999, that they were starting to do work on source protection. Then Walkerton happened. And what did the minister and the Premier announce the other day? What did he announce, Mr Speaker, do you know? He announced that they're about to put together an advisory committee on source protection. We don't even know who's on the committee. There is no committee. An advisory committee at this late date? What have they been doing over there? This is the government that cancelled the green planning act, got rid of CURB, and now we hear that, after Walkerton happened, they're just putting together an advisory committee to tell them how to do source protection.

1900

If they wanted to follow to the letter Justice O'Connor's recommendations and had come in and tabled a source protection bill or the amendments to the Environmental Protection Act at the same time, then I would have been quite comfortable with that, but I have grave concerns and fears—there is an election looming, we all know that—this advisory committee that is to be put together is to tide the government over until the next election and to say, "Well, we're working on source protection. We've got this great advisory committee." It's in the hopper and will be in the election platform, but it won't have been done.

The reason why I'm so concerned about that not being part of this bill—and no bill before us in the near future—is that Justice O'Connor and others have said the bills that have already passed, particularly the Nutrient Management Act, and this bill as proposed, the Safe Drinking Water Act, if passed, will not prevent another Walkerton. That's what we're supposed to be doing here: pulling all these threads together and bringing in legislation that would put in all the barriers that would prevent another tragedy like that from happening.

There's a big hole in the bucket, so to speak, in this piece of legislation before us. We have to understand that. You can't help but make these analogies, as I drink this water, which could be considered a demonstration at this point. This glass of water right now is full, but with the legislation we have before us, this glass is not full: it's half full or half empty. As I've said before, I prefer to think of it as half full. We have an opportunity to fill the rest of that glass.

I'm extremely disappointed that they have watered down this bill, my Bill 3, after the minister said in this House and the Premier started by saying they liked it, wanted to improve it and to pass that bill, and the Premier directed Chris Stockwell, the Minister of the Environment, to work with me in bringing forward my bill with amendments to strengthen it. That's not what happened.

Perhaps this is a good opportunity actually, on the side for a minute, to put on the record as well that I am not being appointed by the Tories to be the czar of some new water agency they're creating. I've heard that, particularly from a lot of Liberals. I've been getting calls from their ridings saying, "My member told me that the Tories are going to be appointing you to be the head of some big new water agency," and everybody out there is believing it. For a few weeks I was returning calls all over the province, and mostly, I've got to be honest with you, they came from Liberal members. I don't know what that was all about, but I want to put it on the record that it is not true and I would rather jump off the Peace Tower—is that what the famous Liberal in Ottawa said?—than go work—and I'm sure they feel the same way about having me as the head of one of their agencies. So just for the record: no, no, no. This is a groundless rumour. I don't know that they're creating a new agency, except for the one in Walkerton, which I support, but (a) I doubt very

much they'd ask me to run it, and (b) I know that they would know I wouldn't take an appointment from them.

Having said that, I want to point out that the content of Bill 3 never came to pass. A few good pieces of it were incorporated into the new bill that was introduced.

I'm going to say this for the Minister of the Environment: he did not work with me, as the Premier said when he made the announcement. I went out to Oakville last Tuesday morning to hear the announcement and the Premier did say that I worked closely, or something to that effect, with the minister in developing this bill. Not true. I was shut out of the loop after they decided to bring in their own bill and I want that on the record as well, because I would have fought hard to keep some of the components of my bill that aren't in the government bill, but I never had that opportunity. You will recall that Janet Ecker, the Minister of Finance, mentioned in the throne speech—I guess it was in the budget; it has been mentioned on several occasions, in the budget, in the throne speech—that my bill would be strengthened and brought forward.

Well, that's not what happened. My bill was weakened. Although the government bill has components on pipes and pumps, delivery of water, training, certification and all that kind of stuff, which is vitally important, that is part of their bill. It wasn't in mine. I would have been happy to put it into mine, now having the information before us from Justice O'Connor. What happened was, that was put in, and only a couple of pieces—important pieces—from my bill were put in.

I want to say this about Justice O'Connor's report—and it also applies to another committee I sat on, the alternative fuel committee, which I signed off on. I have now heard members of the government say, in response to me, that I would like to do things differently from the report on alternative fuels I signed off on, as well as the Walkerton report. "You signed off on the alternative fuel report and we agreed in that committee that we would shut the coal plants down in 15 years," or whatever, and since then our party has come out with a policy to shut them down sooner. They say, "Didn't you believe what you signed off on?"

I just want to make it clear, in terms of that report and these reports, that I see those reports as the floor we can improve on. It's really dangerous when governments take reports and then decide that nothing else can be added to improve upon recommendations. I see the recommendations in these two reports from Justice O'Connor in many cases as the floor that can be improved upon, not the ceiling, as the government sees it. "We're going to follow it to the letter," says the government. Indeed, the bill they put forward doesn't exactly and precisely do that for the Safe Drinking Water Act, but it goes a long way to doing that. I want to make it clear that I see it as the floor that we can build upon.

There is absolutely nothing in Justice O'Connor's recommendations around the Safe Drinking Water Act or treatment or distribution or pipes and pumps that says it should not address additional drinking water matters in

this bill. In my view, it should not be restricted to pipes and pumps just because Justice O'Connor said that's where you deal with this piece, particularly because you don't have the other pieces before the legislation.

I'm going to tell you some of the things in my Bill 3 that would have made this a much stronger bill had they been incorporated into the government's bill, and why I'll be working with the government now to see if we can make those amendments and get them included. The highlights of Bill 3, which had been introduced earlier as Bill 96, include water testing by accredited labs—well, the government has done that—strict notification requirements; strong community right-to-know provisions; making it an offence to pollute water; significant fines; judicial review of the actions of the Ministry of the Environment; establishing a water advisory council; requiring the minister to undertake research on water issues and do work around source management and source protection; annual state-of-safe-drinking-water report; annual review of regulations; and a Safe Drinking Water Act fund, which is so critical. Some of those things have been included in this bill, but not many.

As I said, a key recommendation, the source protection, is a glaring omission. It could easily have been incorporated into this bill. There's no reason why it has to wait for an amendment to the EPA. I find it absolutely astonishing that two and a half years after people died in Walkerton, we have before us no source protection plan yet and a non-existent advisory committee. The government should have used the past two and a half years—especially because Tony Clement, a former minister, said that he was working on source protection—to develop this policy for clean water. They should have started funding the conservation authorities again and doing the kind of work that needed to be done.

Also a key piece missing from my bill that I think is critical—and it is certainly a key piece of the American Safe Drinking Water Act—is upholding the community's right to know the status of their drinking water and to give an airtight process for notifying the public of adverse tests, producing consumer confidence reports, and maintaining an electronic drinking water registry.

1910

I'm going to talk a bit more about that in a minute, but another huge hole in the bucket is the lack of provincial funding to help municipalities meet their infrastructure and water quality commitments, nor is there any talk about investment in rebuilding the scientific infrastructure at the Ministry of the Environment following its destruction by this government. Justice O'Connor specifically stated—and we cannot cherry-pick from this report when it suits the government to say, "Oh, well, Marilyn, you're wrong. We followed the recommendations for the Safe Drinking Water Act," but then to not pay attention to some of the other key recommendations or advice. He did specifically state, "The funding cuts to the MOEE were part of the reason for Walkerton," and recommends that the whole system be adequately funded. This bill says nothing about money and resources.

I say to the government: you can have really tough legislation and really tough regulations, but if you don't have the resources, if you don't have the front-line workers to enforce it, to do the inspections, to do the testing, to lay the charges, to do all of those things, it's not worth the paper it's printed on. We've seen that, in fact, time and time again since the government cut such massive resources from the Ministry of the Environment. So we need to see that safe drinking water fund incorporated into this bill.

The other bill that's before us, that we were debating—actually, it was a time allocation motion. The government's trying to ram that one through as well. We debated that time allocation motion this afternoon. I raised that concern as well, because the new buzzword is “full cost recovery.” I pointed out this afternoon and on Thursday when I talked about full cost recovery, some of the not necessarily recommendations—because there are some cases where Mr Justice O'Connor said, “I don't feel it's within my mandate to give a specific recommendation on this, but I do want to point out to the government that I have concerns about the” downloading—he called it “restructuring”—“to the municipalities since this government came to power, particularly around social services,” and expressed the concern that the municipalities should not be asked to meet new requirements to keep their drinking water safe unless the government does a review of the kind of what he called “restructuring” that downloaded a lot of services to the municipalities. It's causing a great deal of economic problems for these municipalities.

When we talk about full cost recovery, especially in light of the terrible situation that people are now in because of the privatization of our energy system, which the NDP, from day one, said would be a problem—and we are the only party in this House who stood up at that time. And you know what? We were laughed at at the time. We were laughed at by Liberals; we were laughed at by Tories; we were laughed at by some in the press. When we started to look at what happened in California and other jurisdictions and said, “It is going to happen here”—and we pointed out all the reasons. I remember I had Matt Freedman come up from California, a young lawyer who has been involved with the citizens' group there who were fighting the very fight that we were having. He came up and watched us making all the same mistakes and tried to warn us. I had a public meeting. We've been working with lots of others who have been trying to stop this deregulation and privatization.

I have to hand it to my leader, Howard Hampton, who kept on that issue day after day; and all of our caucus kept on it, before we had the proof, even though we could show from other jurisdictions what happened. We could see it coming, and nobody wanted to listen then.

Now the Liberals are scrambling. Some members are getting up in question period and in members' statements and doing their best to try to again ridicule the NDP position on this. Our position was right then and our position is right now. It's about time that everybody in this House

understood that the deregulation and privatization of our energy system is wrong. It's going to create havoc in this province and people are going to have their power cut off. Jobs are already being lost; we're all hearing it. It's time we all agreed that the NDP was right all along on this one and reverse this stupid decision that is so badly hurting our constituents.

So coming back now, I get very nervous when I hear these guys talking about full cost recovery, watching what's going on with hydro, because it's in their interest to embrace full cost recovery.

Mr Frank Mazzilli (London-Fanshawe): And those guys too.

Ms Churley: And the Liberals too at this point, yes. But when I hear—

Interjection.

Ms Churley: The Liberals have been attacking us lately. I don't do this a lot, but I have heard the attacks on us by the Liberals and I'm going to say that the Liberals are trying to have it both ways on this and they're not going to get away with it on this one. I say to the members who were asking questions today about how badly their constituents are being hurt and that we need to give incentives to private companies to come in and do this and that, it's not going to work. Energy is something that's life-sustaining. We need it. It should be a public system.

Yes, we said that the public system we had needed to be changed so we could bring in green power and we needed to deal with the nuclear debt and all of those things. We would change the system as it is now because we knew very well when we were in government how difficult it was under that system to bring green power on the grid. But now when I hear the government talk about full cost recovery on water, well, what an excuse it is to suddenly get out of providing the funding that they should be providing to jurisdictions across this province, which they got out of from day one. We used to have a partnership with those municipalities and we had a dedicated fund that went to improving water and sewer systems. They got rid of that.

So now I hear this, when we know that there's a lot to be done and it's going to be expensive to upgrade our water system to make sure Walkerton never happens again, we hear government members: “We really like this full cost recovery; that sounds good. People should be paying for their water.” Well, you know what? I agree in principle, as we all do, that we have to stop taking our water for granted. That's part of what led us to Walkerton.

You read these reports, and it's shocking throughout the whole system what happened that led to this, not just the Koebel brothers, as you like to say again over there. All the pieces are shocking. Dan Newman was the minister then. He knows all of the pieces that went wrong. The need to do something about it is going to be expensive. For the government members to stand up and say, “Oh, well, it's just full cost recovery; everybody's got to pay for their water,” we pay for our water here in

Toronto, as we should, but now we know that there has to be tremendous infrastructure work done. But across the province in the smaller municipalities—these rural areas, the little campsites, trailer parks, all of those water systems in poorer municipalities—what does it mean to them when they're told that they're going to have to start paying for all of this? They're not going to be able to do it. So does that mean, if they can't do it, the government will do under the Safe Drinking Water Act what they did under regulations? Although it's harder to do under legislation; it's one of the problems I have with just regulations, because the government can come in with a stroke of a pen, which they did when they brought in the new regulations after Walkerton happened. It was one of my concerns and complaints about it. They did exactly what I said they might do; that is, some municipalities could not afford to meet the requirements of the new regulations. So what did the government do? Instead of giving them the resources, the funds that they needed, they postponed the date for when those municipalities would have to upgrade their systems. Who knows how safe that drinking water is in those jurisdictions? We just can't have that.

The time is marching along and I wanted to speak a bit about a part of the bill that's left out that really means a lot to me, and that is the public right to know. One of the big pieces of the American legislation deals with that, and it goes quite far. President Clinton made some amendments to the Safe Drinking Water Act, I think it was in 1996, and the public right to know was a big component of that.

1920

I'm trying to find a sample paper that I have. Of course I can't find it in all these pieces of paper; here it is. When I first announced my Safe Drinking Water Act, two and half years or so ago, I had some big posters made to demonstrate graphically what I mean by those things, so people would understand. I know I'm not supposed to hold these things up, Mr Speaker, and you probably can't see it anyway, but what it says is, "Sample Public Notice: Drinking Water Warning," and under that, as an example, "Spring field water has high levels of nitrate." Then it gives very specific instructions: "Do not give the water to infants under six months old or use it to make infant formula."

It goes on even in the language of that particular community, Spanish, to talk about how there's information for Spanish speakers—in my community it would be Chinese, Greek, Indian and some other language—potential health effects, actions consumers should take, when the violation or situation occurred, whether alternative water supplies should be used, what is being done to correct the situation or violation, and the name, phone number and business address for more information. That's the kind of information that's automatically given out in the US in communities where there's any adverse water report whatsoever.

Then the other side is a mock-up that I did: "Water quality registry." It says, "Welcome to the Ontario water

quality registry. Clean, safe drinking water is a basic human entitlement and essential for the protection of public health. The Safe Drinking Water Act recognizes that people who use the public water systems in Ontario have the right to clean and safe drinking water." Then it says that it "provides Ontario residents with access to vital information about the quality of drinking water in their community." This registry would have "What's on tap"—I kind of like that line—"at the OWQR: drinking water alerts." And you could find anything, like a database of drinking water tests, listed by community; index of certified water laboratories in Ontario; index of water notices issued, listed by community; index of convictions under the act and judicial reviews; drinking water and health basics; report on the state of drinking water in Ontario and report on the water advisory council.

That's some idea of what I mean by the public right to know. That's something from my bill that's been left out and that's something that I'm hoping very, very much that the government will agree to put back in, because I think we would all agree that one of the pieces that went wrong out of the many in Walkerton was not only the labs having been privatized and the system breaking down so that the reporting wasn't done properly to the Ministry of the Environment and the Ministry of Health, but also that there was a delay in notifying the community. And although Justice O'Connor says he didn't think lives would be saved, he thought some people could have avoided getting sick had they been advised earlier. So that's a piece that I hope to get back in the bill.

The right to sue is a contentious one—that's part of the US legislation—and Justice O'Connor did not recommend that. He was concerned that there would be frivolous cases brought forward and he came up with a standard of care which the government did incorporate into their safe drinking water bill. But I still take the position that there needs to be a right to sue. When something that horrible happens to you, as it did in Walkerton, I think that right should be there. There's a way around this that's a compromise which I will be proposing to the government, and it's put forward by CELA, the Canadian Environmental Law Association. Let me take this opportunity to thank them. The Sierra Legal Defence Fund, OPSEU and AMO have already put in preliminary responses to the draft that came out a while ago.

On the right to sue, what CELA recommended—and I think it's a good recommendation—is that the whole Safe Drinking Water Act come under the Environmental Bill of Rights. Once something comes under the Environmental Bill of Rights, it means that act is part of that whole infrastructure and the public can ask for an investigation under that act and indeed can sue under certain conditions under the act. That might be the best way to go about that, because I would see it as a vital piece to come back in the act.

The Safe Drinking Water Act before us today goes about, I would say, two thirds there, but it needs some

work and it needs to have some amendments made. I'd like to see the things that I talked about initially as missing from this bill, which were in my bill that was applauded widely across the province by the same people who have put in their initial thoughts on the government's safe drinking water bill, clear across the province—I think people would like to see that in the bill. So what I would say to the government is, make absolutely sure—no negotiating on public hearings. I want the government to commit, as the Premier said and the minister has said—because they're starting to back down now—that there will be full, comprehensive hearings across this province. This is an important bill, and people have the right to have their say. We need to hear indeed from the public. So the New Democratic caucus is demanding that there be full public hearings clear across this province until we get it right.

The Acting Speaker: Members now have up to two minutes, for a total of 10, for questions and comments.

Mr Pat Hoy (Chatham-Kent Essex): I am pleased to take a moment on the member's comments on the Safe Drinking Water Act, Bill 195. The comments made were very thoughtful indeed.

I want to speak a bit about the support that I think is required, and that many are calling for, for rural communities and smaller communities when it comes to the cost of their water in the future. This has been a significant issue in my riding. I wrote to past ministers about this situation, and in particular about communal wells in small rural areas and the need for financial assistance.

Here in Ontario today we see the prices for some of the modern basics of our life in the 21st century, such as natural gas, escalating. We see hydro rates going through the roof, causing a lot of concern, to say the very least, among large and small business owners, rural communities—natural gas and hydro rates going through the roof. These communities were in the past worried and particularly now with this bill are worried about the future cost of water, their ability to maintain the small villages and towns that they have in their area and keep them thriving to attract more people to their area, those who want to live in rural and small-town Ontario. I want to also mention that in recent days, almost since the long weekend in September, I've been hearing about gasoline prices, prices that are approaching almost 80 cents a litre. This government has done nothing to alleviate that. Natural gas, hydro, gasoline and water prices are escalating, and this government has failed to grapple with those issues.

Mr Michael Prue (Beaches-East York): It's an honour to rise to comment on my colleague the member for Toronto-Danforth and her very excellent speech. She said three things that I think are worthy of comment in the two minutes allotted to me. The first was the public's right to sue and the difficulty in getting into that entire area of litigious practice that seems to be creeping ever so slowly, or perhaps ever too quickly, from the United States. It is a very difficult prospect, but I know there always has to be a public right to seek redress through the

courts. I'm not sure exactly how we do it, but I do understand the conundrum of which she spoke.

What was far more important was the public right to know. That is not in this legislation. I will tell you that people everywhere want to know what they are ingesting. They want to know about the food they are eating, whether it has been genetically modified. They want to know about the water and what the content of the water is, whether it has any contaminants or any things that they think might be at too high a level, such as lead or iron. They want to know that, and it is becoming increasingly difficult for municipalities to provide that kind of information with the monies they have available to them.

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But most importantly, she talked about full cost recovery, and I am in total agreement with her. If the direction of this government is to go the route of privatization as they have with hydro, you are going to be making the same huge mistake with the same disastrous consequences. People will not stand for a public service such as water going the same way you are proposing hydro to go.

It is important to charge sufficient money to maintain the services. I would agree with that. I would agree with that in a flash. In fact, when I was mayor of East York, we ensured that the money spent on water was sufficient to cover the cost of repairing the pipes. It is in the best public domain to do exactly that. My colleague is exactly right, and I commend her for her speech tonight.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to rise this evening to make a few comments on the member for Toronto-Danforth's speech. I didn't get the first 20 minutes last week, but certainly I know that you have a lot of passion for clean drinking water and that was reflected in your private member's bill. However, I have to tell you that I was somewhat disappointed you didn't feel that your bill was included in this piece of legislation. We on this side of the House took your recommendations and your bill very, very seriously. I can get into this a little bit later on, when I'm making some comparisons, but certainly we think your input was very valuable as we drafted this piece of legislation.

As you know, after Walkerton, which is something we never want to ever see happen again—not only in our province or our country but anywhere in the world—we want to make sure that the recommendations of people like Justice O'Connor are taken very seriously and, as a result, we think that a lot of his recommendations are exactly the reason why we are in fact here tonight debating the second reading of Bill 195.

I'm going to be making a few other comments when my turn comes up here just in a few minutes, but I wanted to say that we understand your passion for clean water. Again, we did take very seriously the recommendations of your private member's bill into many aspects of this particular piece of legislation. I'll be happy to make a few comments in a few minutes.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I am pleased to make some

comment on the one-hour lead for the third party. I did have the opportunity to be here for the first 20 minutes and then for the 40 minutes this evening. I think everyone in the Legislature recognizes the commitment of this particular member to the issue and to environmental issues. I would like to echo the remarks that the member made with regard to the people of Walkerton, who have paid the greatest price of all for the fact that we have to entertain this kind of legislation here at this time, sadly.

My colleague Mr Bradley has also highlighted the fact that it was the Tory administration that cut the resources for the Ministry of the Environment by some 50% and fired 900 employees out the door, employees who provided the kind of services that very probably would have prevented the tragedy. It's only after that and with this hindsight and with the very dear price that has been paid by the people of Walkerton that we are here to debate Bill 195, the Safe Drinking Water Act.

I do appreciate most of the comments that were made by the member of the third party that related to this particular act. I certainly don't agree with the comments she made when she sort of digressed to debate some hydro issues. But in any case, I'm going to try and focus my comments on her remarks to the act and also share some concerns that our caucus has already voiced around the affordability of safe drinking water. We certainly hope that it will be the goal of the government to ensure that in whatever community someone would live in Ontario, whether they were a rich community or not, they would be able to access safe drinking water.

The Acting Speaker: The member for Toronto-Danforth now has up to two minutes to respond to the questions.

Ms Churley: I'd like to thank all members of the House for their indulgence tonight. I particularly want to thank the members for Chatham-Kent, Beaches-East York, Simcoe North, and Hastings-Frontenac-Lennox and Addington for their comments.

I would like to say that I don't know how I feel about always being referred to as passionate. It's true, I can be very passionate about a number of things—

Mr Dunlop: It was a compliment.

Ms Churley: No, I do take it as a compliment; don't get me wrong. But I also want to point out that I have some knowledge about these issues. I am very passionate about the environment and environmental protection. That's what brought me here. That's what made me a politician. I still fight for these things. But I also have a basic knowledge that I hope members, particularly of the government, will understand has not just been plucked out of the air. I do know a few things about this issue.

I'm pleased to hear that the member for Simcoe North said that he feels as though the government did try to work with my bill and based their bill upon it. I would like to say that I appreciate that. I believe I said earlier that I appreciate the amount of work that was done in relationship to my bill. But what I'm pointing out is that it's missing some key components that I think are important. Because they are not showing up in any other

bill, this is a good opportunity to take the Justice O'Connor recommendations, my bill and the US bill, which I based mine on, and make the best possible safe drinking water bill.

I'm still hopeful, and I was happy to hear the member for Simcoe North say that we might be able to make some amendments that can be accepted to indeed improve upon the bill that's before us today.

The Acting Speaker: The floor is now open for further debate.

Mr Dunlop: I just want to say what a pleasure it is to rise this evening to open our second reading debate, the rotation portion of it, on Bill 195, the Safe Drinking Water Act.

First of all, I want to thank everyone who is here tonight, and Minister Stockwell for bringing forth this piece of legislation. As I said a little earlier, 50 recommendations from the O'Connor report are included in this legislation.

We mentioned a little earlier how important it was that we implement a system here in Ontario that is second to no other jurisdiction anywhere in the world, and that what happened at Walkerton never happens in any other jurisdiction in Ontario or in the world. I do hope that we in fact are world leaders in water quality as a result of this legislation and other legislation and recommendations that will follow.

I'll focus a lot of my comments tonight on the new licensing requirements for drinking water, but I'd also like to talk a little bit this evening about my experience as a municipal council member for 18½ years and as a plumbing and heating contractor, as someone who has actually at one time or another worked on many water systems in my particular small part of Ontario. I've got some interesting stories that I think you might want to hear about how far we have come in the last 20 or 25 years on some of our municipal systems here in the province.

I would also like to mention some key points that the government is very concerned about. Also, I'd like to mention a few comments from stakeholders and show their interest in the introduction of Bill 195, and some of the positive comments we've heard from different stakeholders across the province.

The proposed Safe Drinking Water Act would require owners of municipal water systems to obtain an owner's licence for the operation of their waterworks. This licence would not be required for non-municipal systems. Non-municipal systems would be required to follow the current regulatory requirements, which include a certificate of approval.

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When I mentioned earlier about how far we've come, I wanted to mention some of the water systems we have had. I've got to tell you, when Walkerton broke out and we heard about the Koebel brothers and neglect and that type of thing and whoever was responsible for inspections, all the different issues that surrounded the inspections and the maintenance of the water systems, it brought back a lot of memories for me.

In 1980, I was elected as the reeve of the small village of Coldwater. It's still a nice little village, but now it's part of a restructured township called the township of Severn, in Simcoe county. It's a beautiful little community on a river. It's surrounded by high hills. Some of the hills are the Mount St Louis and Moonstone ski resorts. If you're heading up Highway 400, there's a long hill for many miles that is filled with artesian wells, and water bubbles out of the sides of the hills.

Interjections.

The Acting Speaker: Sorry to interrupt you. Take your seat, please. I'm sure the opposition benches would want to give the same courtesy that the government benches have given this evening to the speaker, so if you could keep it down, please, that would be really helpful. Sorry for the interruption. Please continue.

Mr Dunlop: Thank you very much, Mr Speaker. Maybe some people aren't interested in these municipal stories, but I find them very important. This particular stretch of hill is where, around the turn of the century, the people who were the forefathers, the town fathers of the little community of Coldwater, built a reservoir up on the top of the hill, and water flowed from these artesian wells and springs into this huge reservoir tank, an open reservoir. The reservoir allowed the water to flow by gravity into the community, probably 400 feet below it, where the little village was. The community had good water pressure at the taps. It was certainly a system that was good for many years and very cheap. People had water at ridiculously low prices, like \$5 a month, this type of price, for years because all that really occurred was that the water flowed into the tanks. I guess about 30 years ago they added a chlorinator at the bottom of the hill. There was no filtration of any kind or anything like that, just an in-line chlorinator. That's how it got to the houses.

When I first took over as the reeve of this municipality, they'd get strong areas of the town for chlorine and weak areas. But the fact of the matter was that people drank the water; they loved the water. The health unit checked it, I believe, once a month. If they had a bad test from the health unit, they'd call out to the municipality and the inspector would say, "You've got a bad test." The council and administrators at the office would phone the local radio station, and the radio station would just simply put it across the airwaves for the people in Coldwater to boil their water for a few days until they got some better tests. That is how it was done.

I can remember that someone from the Ministry of the Environment came along about 1988 or 1990—it was either the Liberal or the NDP government; I'm not sure—and said, "You know, we consider that a pretty dangerous system. You're going to have to put this new state-of-the-art system in at the bottom of the hill or find other options. And we're going to give you \$1 million or something to help you along with the construction of this facility."

We looked at all the options and followed the protocol back then—because I was the head of council—and we

looked at taking water out of the river, at piping it back from Georgian Bay, and finally we came across the proposal of possibly drilling wells. But so many people in the community thought that was so wrong at the time, because there we were actually going to drill wells when we had what everyone considered to be a perfectly good system at the top of the hill. However, the old guys in the community would come forward and say, "Oh, yeah, but we used to swim up there. We used to swim in the reservoir," and this type of thing. That didn't sound that wonderful but the water tasted good and it was chlorinated.

In the end, about 1993, we drilled beautiful wells. I think they produced about 150 gallons a minute. It was water out of the Oro moraine, something that we're very proud of up in that area. It's ice-cold water. But the water bills went up quite a bit. There was a lot more testing involved; there was a backup generator system in it. There was pressure enough to run fire trucks and fire pumps and all those sorts of things, but in the end we had to put this system in and the people were disappointed in the price of the system. But the reason we had to put it in was very simple: it was an open reservoir and they are simply not allowed any more in the province of Ontario.

When I think of what happened at Walkerton and the criticism I took as the reeve of the village for installing this new system, I just thank God every time I think of it, because it could have been us, with bad water tests and maybe an E coli problem or something like that in that community. We were fortunate enough that we went ahead, and now, after the restructuring of the county of Simcoe, the township of Severn, that I became the deputy mayor of, we put in state-of-the-art systems and we have staff on duty that do the complete checkups all the time. They're highly regarded and they're well trained to the latest standards that the Ministry of the Environment has.

I wanted to pass that on, that little story, because I thought it was important as a mayor or a deputy mayor to look back and think how we could have been in trouble and how you could feel for somebody like the Keobel brothers over in Walkerton because I think at some time it was bound to happen somewhere. In the end, it's so unfortunate what happened in Walkerton but it's a lesson that all of us will never be able to ever forget.

I wanted to say a few words about—and I'll get back to some notes I've got but I kind of find these stories a little bit interesting—our particular business in north Simcoe and south Muskoka. We were plumbing contractors and of course we looked after many, many systems for cottagers. I'm not trying to give an ad here or anything like that; I'm just saying the type of work we've done. We did a lot of resort work and worked on some of the water systems in the major resorts and a lot of the developments around Simcoe County, but we also looked after some municipal systems for the adjoining townships. I have to tell you that there really was never an inspection system put in place where we'd see people from the township or the health unit or the environment come out. We just went ahead and looked after the

chlorinator systems and some of the filtration systems that were put on. The odd time, maybe every couple of years, you'd hear a report that "Environment wants something done" on a certain system.

So there was certainly never any regular inspection or detailed analysis of what was happening with all the water systems in that particular part of the province. Now maybe that happened in other communities, but in Simcoe County we generally had really good drinking water wherever the wells or the water systems were. We didn't see a lot of the inspections that we would of course see under the new regulations and what the townships have to follow today.

I wanted to say another few things about the particular piece of legislation and some of the people who have commented on Bill 195. I'm looking at an editorial here from the *Toronto Star* and I want to quote from it: "There's a lot to like in the Ontario government's proposed safe drinking water introduced yesterday." This was an editorial last week. "On the positive side, the act would force testing laboratories to be accredited and all operators of water systems to be licensed. It would also impose a 'standard of care' to ensure municipalities act 'honestly, competently, and with integrity.' In addition, it would require all waterworks operators to pass formal testing to become licensed. It would boost enforcement provisions and appoint a chief inspector to oversee training and inspection policies. These are all good, necessary steps."

This was from the *Toronto Star's* editorial section last week, after the introduction of Bill 195.

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The *Globe and Mail* also reported, and this is a quote from Bruce Davidson, the vice-chairman of the Concerned Walkerton Citizens group, someone that Mr Murdoch would certainly know: "Mr Davidson praised the legislation that was introduced yesterday for 'ensuring the people working in the water facilities are well trained,' and for requiring that 'equipment has to be maintained and the appropriate equipment has to be in use.' A lack of training and lack of functioning equipment were among the causes of the Walkerton tragedy." That's a quote from Mr Davidson.

The *Toronto Star* also quoted Mayor Dave Thomas. Mayor Dave Thomas calls the legislation a very, very "positive move."

Mr Bill Murdoch (Bruce-Grey-Owen Sound): Thomson.

Mr Dunlop: I'm sorry, Mr Thomson.

I'll go on with the *Star* again: "Tim Lotimer, chair of the Ontario Water Works Association, said the proposed legislation is a 'great step' forward that will help ensure the safety of drinking water for Ontario. 'I think it is high time that the cost of water went up. Water is a very valuable thing,' he said." That's from Tim Lotimer.

A quote from The Brantford Expositor: "The province's commitment to a watershed-based protection plan is being warmly welcomed by the GRCA. Peter Krause, chairman of the Grand River Conservation Authority,

said Tuesday that Premier Ernie Eves' announcement serves as an important reinforcement of ideas presented by Justice Dennis O'Connor in part two of his Walkerton recommendations.

"'The Ontario government's actions today are an excellent step forward,' said Kraus, who is also chairman of Conservation Ontario. The group represents the province's 36 conservation authorities.

"Source protection on a watershed basis is the first critical barrier in a multi-barrier approach to the safety of our water supply."

The *Guelph Mercury* says: "City waterworks superintendent Peter Busatto said the legislation raises the bar. 'It goes way beyond any legislation I'm aware of in Canada and in the United States.'

The legislation got high marks from retired University of Guelph water resources engineering professor Hugh Whitely. 'It is definitely a good move to recognize requirements for the various steps in delivering safe water,' said Whitely, particularly pleased with the licensing and certification ideas."

And finally, from *Broadcast News*—maybe I've given too many quotes, but I thought it was important that these be put on the Hansard, if it's at all possible—"A Vancouver Island MP is calling for national drinking water standards based on the findings of the Walkerton inquiry. Alliance MP Keith Martin, who is a medical doctor, calls the Ontario report a useful document. He says the Ontario government took a leadership role by adopting its recommendations."

Those are some of the quotes from people who supported the introduction of this bill last week. I'll get back to my other notes.

While all proponents of the proposed bill clearly define various roles and responsibilities, the new licensing requirements for municipalities clearly define the accountabilities and responsibilities of municipal owners.

The proposed licensing scheme requires the owner of municipal drinking water system to obtain a certificate of approval, a permit to take water, an operational plan, a financial plan and an accredited operating agency to operate the facility.

The proposed licensing requirement is the first of any jurisdiction in our country. Commissioner O'Connor makes a number of key recommendations relating to new requirements for municipalities. These recommendations are hinged primarily on the concept of an owner's licence, as articulated in recommendation 71. In recommendation 71, Commissioner O'Connor suggests that municipalities should be required to obtain a license for each drinking water system that they own, and that such a license should be made up of five distinct pieces. The proposed Safe Drinking Water Act embraces this recommendation by requiring a municipal drinking water license built upon five mandatory components. The first two components of the new license replace the current certificate of approval process by separating the physical hardware elements into what will be called a drinking water works permit and the ongoing operational practices

into an operational plan. Both of these new components will require separate approval from the ministry.

Drinking water works permits: in the proposed act, we propose that anyone who intends to establish a new municipal drinking water system must apply to the ministry for a drinking water works permit before doing so.

An operational plan, another part of the drinking water works plan: operational plans must be developed by the owner of each municipal drinking water system. Those operational plans will include sampling planning, real-time monitoring and emergency planning, in addition to day-to-day operational processes specific to the characteristics of each system.

A permit to take water: a valid permit to take water is the third mandatory component of proposed new licences. The permit is an existing approval process for regulating substantial water takings in the province through the Ontario Water Resources Act.

The fourth and fifth components of the proposed new licence are new areas of oversight in the regulation of municipal systems.

Financial plans will demonstrate the long-term viability of drinking water delivery for each system. Commissioner O'Connor highlighted the importance of this component by saying, "Over the long term, safety depends on stable and adequate financing to maintain the water system's infrastructure and its operational capacity to supply high-quality water consistently."

This proposed act supports this assertion by requiring owners of municipal drinking water systems to demonstrate the financial viability of their service. This theme of financial sustainability relates directly to our proposed Sustainable Water and Sewage Systems Act that was introduced in this House a few weeks ago. The proposed bill would require owners of water and sewer systems, mainly municipalities, to undertake full cost accounting of their systems. I'm running out of time here. They would conduct a detailed analysis of their system, including operating and capital costs, all sources of revenue and the investment required to maintain and expand their system. O'Connor clearly indicated his support for full cost reporting and cost recovery plans as outlined in this bill.

The accredited operating authority: the final component of the proposed new licence is a requirement for the owner of the drinking water system to secure the services of an accredited operating authority for the operation of the system. Accreditation is an important step forward, one that recognizes that running these drinking water systems is a complex business that requires specialized knowledge and coordinated management. Operating authorities, whether internal departments or hired service providers, will be required to have accreditation from a designated accrediting body before operating a municipal drinking water system.

I thank you for the opportunity to say a few words tonight.

The Acting Speaker: Members now have up to two minutes for questions and comments.

Mrs Lyn McLeod (Thunder Bay-Atikokan): I'm sure it comes as something of a relief for the member from Simcoe North to be able to talk positively about his government's approach to dealing with safe drinking water. It has been a long time coming for this government to table some legislation that even begins to address the issues of what's needed to ensure that Ontarians can actually trust the water they're about to drink.

We've had a long history from this government of taking exactly the opposite direction. I remember the arguments we made in this place when this government decided they were going to privatize the water testing labs. We even tried to argue it on the government's own grounds. We were able to show, to bring in evidence, that it was going to be more expensive to do the testing of water in private labs. But this government was so hell-bent on privatization of whatever they could privatize that they weren't interested in either the safety considerations or the cost considerations of privatizing the water labs.

I won't dwell tonight on whether a different decision on the government's part back then, some six years ago, might have averted the terrible tragedy of Walkerton. But I do want to acknowledge that it was only the terrible tragedy of Walkerton that in fact led the government to finally present the legislation we have before us tonight.

Even with this legislation, this government is hanging on to its privatization agenda. In the draft of the bill, there was a clause that would have ensured that if municipalities sold their water systems to the private sector—the government was still certainly allowing that possibility, but at least they were prepared to ensure that if the municipalities sold their water systems to the private sector, they would still have to accept responsibility to ensure that the water would be clean. There would be a legal responsibility on the public sector, maybe not the provincial government but at least on the public sector accountable to the ratepayers, to the residents, to ensure that that water was safe, even if it was being administered by private owners. They took the clause out of the bill. This government is still primarily concerned about privatization rather than public safety.

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Mr Prue: I listened with some considerable interest to the member from Simcoe North. I was particularly impressed; I had no idea that you were the reeve of your township or the deputy mayor of the township of Severn.

I was also very interested in what you had to say about the costs, because this is really where it comes down to the nub of it: how much is the public willing to pay for safe, clean, pure water? How much are they willing to pay? I listened to the problems of a rural municipality that did not have a great big lake like Lake Ontario beside it. I am reminded of many small communities that do not have the luxury of having Lake Ontario at their doorstep. Be that as it may, the costs have to be balanced, and what I did not hear and am hoping to hear in further debate is the balancing that this government intends to do once costs are raised. There can be no doubt that in order

to ensure the safety of all the people of this province and the drinking water, some costs are going to have to go up. It is unrealistic to think that they will not. In this party we support the fact that the costs that are charged should balance off the expenses in providing the water.

Having said that, what I need to hear and have not heard yet is that the public will continue to have accessibility to water. We have seen over the last few days and over the last few weeks ordinary residents in Ontario—people with disabilities, people on fixed incomes and pensioners—who are no longer able to afford to have hydro. I do not want to see in this bill the same thing or potentially the same thing happen to people who cannot afford to have water. There needs to be a balance between the cost feedback and the accessibility to the water itself. Until I hear that, I'm going to have to be a little bit skeptical. But I do commend the member for what he had to say.

Mr Murdoch: I too want to commend the member for Simcoe North on this bill. This is a very important bill and I'm sure all three sides will support it when it's done. I think a lot of the meat of this bill will come when we do the regulations.

We've set up a working group with AMO to work on these regulations. AMO so far has said that the bill at this point is certainly OK. As I say, when we get to the regulations we'll see what's going to happen. I'm pleased to say that Norm Miller and Morley Kells are also in that working group. Norm brings a lot of expertise from the private campgrounds association and trailer parks to water supply, and Morley, on the municipal affairs side, will bring a lot of expertise to the table. AMO has sent a co-chair, Howard Greig. Howard is the mayor of Chatsworth in Grey county. So it's going to be a good working committee, as far as I can see. It looks like we'll be able to, hopefully, come up with regulations that suit everybody and that will make this bill as important as we need it to be.

As you know, clean water is something that everyone expects. We have to make sure that's going to happen here. Also, the concerns you have with the water rates are one of the things we're going to have to look at to make sure that water doesn't become so expensive, especially in rural Ontario, that we won't be able to afford it. There are a lot of concerns with individual wells and we'll have to look at those at a later date in another bill.

The member for Simcoe North spoke well about this bill and I think he brought a lot of things to light. I'm looking forward to all three parties supporting this bill when it comes to a vote.

Mr Ernie Parsons (Prince Edward-Hastings): I also found the comments by the member for Simcoe North interesting. I do think we need to remind ourselves of how we got to the need for this new bill. Many people who are watching perhaps don't understand that education changes in this province have not been done by educators but by politicians. Health care changes have been done not by health care providers but by politicians. The change in the water of Ontario was done not by

engineers from the Ministry of the Environment but by politicians.

There are some things engineers do that they test by actually building models. If you're going to design a car muffler, you build a car muffler and see how it sounds. If you're going to design a nuclear bomb, you don't build a nuclear bomb and set it off and then take it back to the shop to see how it works. You model it. You do computer models; you do approaches to it. I would suggest that Ontario would have been different had the approach not been, "Let's change everything." There's a model I like very much that says if you want to truly understand something, try to change it. There were massive changes made to the water system in Ontario. Quite frankly, before 1995 no one thought about the water and there were not major problems with it that we were aware of. In 1995 and following, there were massive cuts done to the Ministry of the Environment that caused people to question the water.

I would like to humbly suggest that in future an approach to change be to make haste slowly and to look carefully at a change and that a change should not be done strictly for budgetary reasons: "We can save a lot of money by not testing water," "We can save a lot of money by closing all the labs" etc.

I would like to suggest more openness, where there actually would have been consultation with the experts in the field rather than a financial decision that has brought about the urgency for this bill to now be passed.

Certainly, this bill is supported by us, but there really shouldn't have been a need for this massive change.

The Acting Speaker: The member for Simcoe North now has up to two minutes to respond.

Mr Dunlop: I do appreciate the responses from everyone: the members for Thunder Bay-Atikokan, Beaches-East York, Bruce-Grey-Owen Sound and Prince Edward-Hastings.

I'll just basically repeat what I've said earlier: what happened in Walkerton can never happen again, and this bill will in fact work in implementing close to 50 of the 93 recommendations made by Justice O'Connor.

I think we, the members from rural Ontario—at least in my part of the province—take the water quality and the clean water in our lakes, rivers and wells very seriously. I'm really pleased with what we've seen occurring over the last four or five years with remedial action plans. I know we've done a great job in the Severn Sound Environmental Association cleaning up, removing a part of Georgian Bay as one of the environmental hot spots on the Great Lakes. We're very proud of that, all the communities that have worked together, the province and the federal government. It's a great project.

I'm pleased that we've been able to get some substantial money from the Ministry of the Environment through Minister Witmer, and she was there, for the groundwater monitoring of the volumes. I think it was about \$600,000 in testing for that. That was part of her \$10-million project, which I think is the largest groundwater monitoring project in the province's history; and of

course the healthy futures program, which protected a lot of water at the wellheads and gave best-management practice plans to a number of farms throughout a number of the watersheds that are in my riding. I'm pleased at that.

I'd ask that we take this very seriously as we go through the hearings. I'd call on all members of the Legislature to support Bill 195, the Safe Drinking Water Act.

The Acting Speaker: The floor is now open for further debate.

Ms Caroline Di Cocco (Sarnia-Lambton): I rise to speak on Bill 195, the Safe Drinking Water Act, with both a sense of positive direction that has been finally brought to bear two and a half years after Walkerton and also with a great deal of sadness that we are now, in a reactive way, forced by an inquiry to say that a government has to bring in a Safe Drinking Water Act to protect our drinking water for the future.

I say this because, first of all, we must remember why we're bringing in this legislation at this time. I think remembering that shows we didn't have a proactive approach in this province in protecting environment and water. We thus have to have now a reactive approach, after tragic consequences of very poor planning when it came to cuts that were made in the Ministry of the Environment.

When you take a ministry, such as the Ministry of the Environment, that has a very specific public—if you want to call it, protecting the public interest—and you cut it to the extent that it was cut, it shows fundamentally that the public interest is not on the agenda of what this government did in the mid-1990s. Today the Ministry of the Environment still receives less funding than Bill Davis provided to the ministry in 1976. I believe, as Justice O'Connor says, that those cuts, in part, have been to blame for the consequences of the Walkerton tragedies.

2010

This bill does provide for a number of suggestions or a number of regulations that will protect drinking water. One of the fundamental key recommendations in reversing—because that's what this is: it's reversing this government's neglect of our drinking water. It's an attempt to reverse it. What we haven't done in this bill is the source protection. Source protection is fundamental to ensuring safe drinking water. This is the third of four legislative instalments that have arisen from Justice O'Connor's recommendations, and this act does provide a framework for matters concerning the treatment and distribution of drinking water in Ontario.

One of the things that is important and that I believe I have yet to see is one of the recommendations in part two of Justice O'Connor's report that states, "The provincial government should ensure that programs relating to the safety of drinking water are adequately funded." The government has yet to make that financial commitment to ensure the appropriate implementation of this Safe Drinking Water Act.

My colleague from Thunder Bay-Atikokan spoke about the concern with privatization. Bill 195 does not prohibit municipalities from selling off their water and sewer systems. I understand this was one of the more disturbing changes in the draft of the bill that was sent out for public consultation this summer. That consultation draft included a provision that would have ensured that municipalities would still have a legal responsibility to ensure clean water even if they sold it off to the private sector. This provision has been eliminated from Bill 195.

There is an ideological bent the Conservatives have, and that is that privatization is a panacea to all the problems. Privatization is not a panacea. Often there has to be a thoughtful approach about what the role of government is and what the role of the private sector is. In my view, this government is of the view that privatization is the answer to all of the problems.

Probably what concerns me more is that in this the government has consistently talked about cost-cutting. In this area, particularly with the cost of the Walkerton tragedy, it shows that the government was probably very short-sighted; so short-sighted that cutting the Ministry of the Environment was a cost-saving when in actual fact it wasn't a cost-saving, because the consequences of those cuts indeed have a great cost long term. Probably the economic impact of the Walkerton water tragedy is estimated at more than \$64 million. That cost, though, doesn't include the tragic cost of lives. You can't possibly provide any estimate on what that is.

I've dealt with this on many occasions in this House. When we talk about source protection, for instance, in my riding we have a huge hazardous waste landfill. It was fast-tracked in 1997 through order in council. It did not go through the previously lengthy procedure of environmental assessments with public hearings and all of those things because we had to fast-track this, or at least the government wanted to fast-track it at that time. So we have a huge site. It says right in the review that was done that in the long term there is going to be a potential contamination of the groundwater. We have a site that is over 300 acres. They bought another 1,000 acres. It's huge.

What's even worse about this site is that we are still the only jurisdiction in North America that hasn't moved to treat hazardous waste before we landfill it. We simply dig the hole and just dump it into the ground. That site has had some problems. There was a leak in the site and they had to put in a remediation of sorts. What the manager told me was that they now have to pump the groundwater upwards so the contamination doesn't go down, and they have to do it in perpetuity. What does "perpetuity" mean? That it's irreparable. That's my understanding of what that means.

Where is this site? It's close to the Great Lakes. It has a great aquifer underneath, of course, that's there, and do you know what? When I have brought it up to the various Ministers of the Environment since I've been in this House, there has been an indifference to this. It's quite astonishing. There is no political will to change the

regulations to ensure we don't have something that's worse than Walkerton in that area, long-term. It is so nearsighted. I cannot for the life of me understand why there is no action here.

Unfortunately the costs of the Walkerton tragedy, both in human life and in financial cost, have been huge. Why? Because there has been a narrow approach, a very narrow approach to the governing of this province. What do we have in my riding? It's happening now. There is potential, long-term, for a tremendous environmental impact that's there and the government seems to be reluctant to do anything. They just stand there and say, "We're going to review it again," even though the Environmental Commissioner has spoken on this. Here we are talking about a water source. We're saying that it will be impossible to clean up that mess because it is so large.

Do you know what else is even worse? Most of that hazardous waste is coming from outside the province. We're in the business of hazardous waste, apparently. It's cheap to do hazardous waste in Ontario because in every other jurisdiction it costs money to treat it so it's less toxic it before you landfill it. But we wouldn't want that in this province because we want to be a haven for hazardous waste for some reason that I fundamentally cannot understand. I have attempted on numerous occasions to have the Minister of the Environment address this very serious issue because I think that's the responsibility of government. It's to protect the public interest and public health and safety before there are tragic consequences from the lack of political will to move forward.

One of the areas that really concerns me, not so much this bill, because this bill was forced on the government, as I said, after two and a half years, and they had no option but to bring it in—and again, the responsibility that the government must shoulder as being partly the cause of that tragic, tragic consequence must be something that I don't know how they can bear.

2020

One of the issues is about source water protection, because the Safe Drinking Water Act is completely silent on those issues relating to the first barrier of drinking water protection. I wonder, if there are issues in that source of drinking water, whether at that time they will move to deal with some of the huge issues that I certainly have in my riding regarding the landfill that is there and that is, as I said, in the Dark Ages of regulation relative to any other jurisdiction on the continent. When it comes to source water protection, you don't just protect water because you bring in strict regulation. It has to have what you call a multi-barrier approach to drinking water protection, again emphasizing source protection as the logical first step in building a drinking water regimen. The Ontario Medical Association suggests that the bill should not be delivered without laying the essential foundation of source protection first. When Commissioner O'Connor tabled this groundbreaking report in May, he stressed that the key to avoiding drinking water

contamination was protecting drinking water sources. We're very concerned that a key recommendation such as this is missing from this current proposal.

The government has had a great deal of time for soul-searching and thoughtful approach to begin rectifying the mistakes that were made, and yet it seems to be at a snail's pace. They were very, very quick when it came to cutting, when it came to slashing without consideration of what the consequences were going to be, but they appear to be at a snail's pace when it comes to the remediation, to fixing up some of those mistakes they made in the past.

I don't know what the rationale is. I know that the notion of saving money—I read a book called *The Cult of Efficiency*. The cult of efficiency is that efficiencies are an end in and of themselves. It's not a means to an end; it's an end. In other words, if we can save some money somewhere, it doesn't matter what the consequences are going to be in the saving of that money. As long as we can do that, that's fine. It's an end in itself, without balancing the values of what a government is here for, of why legislators and people who represent the public at this level are here. It's not just about cost-cutting. It's about understanding what the consequences are going to be. You have to have that balance.

Efficiencies without effectiveness—what does "efficiency" mean? Does "efficiency" mean that we're going to cut the ministry, that it's going to be efficient, but then the effectiveness of being able to monitor—we have cut a tremendous number of monitoring wells in this province. I believe the monitoring wells went from 730 to 240. That's 500 water monitoring stations cut. That's efficiency, but is it effectiveness? I don't think so. Is it good government? I don't think so. Efficiency is not a panacea, even though we use that word. Politicians love that word because that word somehow gives the impression that you're doing everything right. But efficiency without values, efficiency without understanding what the long-term consequences are going to be to human health and to human life, in my opinion, is a cult. I agree with the writer of *The Cult of Efficiency*. We can have the most efficient hospital in the world without any patients. It would be really efficient. It wouldn't cost very much. But is it effective? This Safe Drinking Water Act is a result of efficiencies that were not in place, which led to the Walkerton inquiry that forced the government to finally say, "You know what? Our drinking water is important. Our environment is important."

We still hear today this thing about Kyoto, for instance, and we say, "Oh no, you can't sign on because you don't know this, that and the other thing." The Kyoto Protocol is a target and it's an agreement to say we've got to cut these emissions because if we don't cut these emissions, jobs are not going to be worth anything because we will not be able to live on this planet. It's very serious, and if you understood that, then you would try, instead of digging your heels in and saying, "These lobbyists are saying we shouldn't buy into Kyoto. We'll just have to find lots of reasons not to"—because we can.

We can find tremendous reasons not to do it. What I call the intellectual integrity of public service would try to find out how we can do it, not how we can't do it, because we can find more reasons not to and yet we have to try to find the reasons how to.

I was at a meeting with the local council for economic renewal and one of the discussions was how can we tap in on the opportunities provided in reducing emissions. How can we tap in economically to the benefits that would come out of the change of dealing with a new way to do business? There are opportunities there and there are other jobs created because of a change that would take place in emissions reduction and a different way to drive our cars etc.

Anyway, I would like to say in conclusion that the Liberals do support this bill, but this bill unfortunately is a consequence of a very, very tragic situation that took place two and a half years ago, and I do hope it will never happen again.

The Acting Speaker: Members may now take up to two minutes for questions or comments.

Mr Prue: It's my pleasure to rise and speak about the member for Sarnia-Lambton, who gave a very good 20-minute presentation on her party's take on this bill. I was particularly interested in the comments that came out at the beginning of the speech, when she talked about cuts to the environment. We all know that the cuts to the environment have been legendary. They've been huge. They were part of the legacy of what the members opposite like to call the previous government—that is, the Mike Harris regime—when in a swath and with a cavalier attitude, hundreds of people were cut from the environment department. Hundreds of people who were out there to test the wells and the water were summarily let go and were never replaced by anything other than a few private sector labs.

In fact, what surprised me and what I was impressed by most from the speech was that less money is being spent on the environment today by the ministry than was spent in the time of Bill Davis way back in 1976. Those, I guess, were halcyon days, days when all of us looked at Ontario as a place to live and a place to grow and all that stuff, and certainly not what has happened today. The cuts are very much to blame for what happened at Walkerton. In fact, in spite of what the members opposite might say about the Koebel brothers, I would think the cuts had far more to do with what actually happened in Walkerton than the misdeeds of two brothers.

2030

But what also impressed me with the member's speech was her talk about waste disposal and about the way we continue in this society to bury our garbage in dumps, with all the leachate problems from them and the flow of the leachate out into our drinking water. Surely, as a society, we need to deal with our waste disposal in much better ways than that. I commend her for what she has said, and when I get a chance to speak to this issue myself, I would also like to talk about those dumps and the leachates that are causing problems to our water.

Mr Johnson: I just wanted to add my comments to the debate tonight and particularly to mention the debate by the member from Sarnia-Lambton. Indeed she touched on many things in this bill, the Kyoto accord, and I wasn't sure if the McLeod-McGuinty leadership wrote her notes on that or whether she got them directly from Ottawa, but they were the party line on that. I guess if I were going to respond to that, I would just say to her that if I was trying to sell her a car, I assume the she'd just say, "Yes, I want to buy it, Bert," and it wouldn't matter how much it cost or whether it had tires on it or anything else. She also touched on the landfill at Sarnia, the high-level one.

But I did want to raise the point that if it was just because of Walkerton that we were bringing this safe drinking water bill in, I wouldn't support it. If it wasn't good legislation and if wasn't a good place to go, then I wouldn't support it, but I think it is. I think that the people of Ontario deserve to be able to know that when they turn on the tap, the water is safe. That is what this bill is intended to do. It touches on a few things, and I just wanted to comment on the framework that the member for Bruce-Grey-Owen Sound is bringing forward and that a colleague of mine, Vince Judge, the mayor of North Perth, is on it. I am glad that he will bring a perspective to this of small communities on communal wells. I just wanted to add those comments.

Mrs McLeod: I, too, want to underscore a very important point that my colleague has brought out in this debate, and that is the underfunding by the Harris-Eves government of the whole issue of water and sewer management, and indeed the entire Ministry of the Environment. To quote again what she has read into the record, "Today the Ministry of the Environment still receives less funding than Bill Davis provided to the ministry in 1976." I would submit, along the the lines of my colleague's arguments, that this government's agenda has basically not changed very much. I commented earlier this evening on how we still see the emphasis on privatization running through this very bill. Despite the concerns that Justice O'Connor had expressed about the dangers in having privatized water and sewer systems, the government is still looking at private labs. As they privatize the labs, they are still, in this bill, looking at private water monitoring. They are still looking at the ability of the municipalities to sell their systems to the private sector. I think they are still looking at how they can cut or reduce costs.

My colleague has touched on the fact that rates for water may increase: they could double; they could triple. It doesn't seem to bother Mr Eves very much. However, it was a very real concern to Justice O'Connor, and Justice O'Connor said that the government should be looking to ensure that the rates for safe drinking water don't become prohibitive for people.

The whole issue of what it's going to cost to provide water is directly related to how much it's going to cost the municipalities to provide the infrastructure for safe drinking water, and whether or not that infrastructure is

going to lead to higher rates for individuals is dependent again on whether this government is actually prepared to put some money into safe drinking water. Despite the fact that Justice O'Connor has clearly outlined the costs involved in providing safe drinking water, there is no evidence in this bill that the government has committed to meet that funding obligation.

The Acting Speaker: Just before I go to the next speaker, we have at least three discussions going on on the government side. If you could just either keep it down or take them outside the chamber, that would be really appreciated.

Sorry, the member for Timmins-James Bay.

Mr Bisson: Not a problem, Mr Speaker. I know the only conversation you care about is the one that's about to happen here. Sorry, it's just one of those nights; I've got a cold.

Anyway, I want to say to the member from Sarnia-Lambton that I agree with most of what she said and specifically the point she was trying to make, which is that much of what we have to deal with in regard to the tragedy of Walkerton quite frankly has been as a result of many of the decisions this government has made, and specifically the large cuts that happened at the Ministry of the Environment after 1995. The member reminded us that after 1995 we had about 50% cut in both the operational dollars and staff levels of the Ministry of the Environment, and when you make those kinds of cuts at the Ministry of the Environment, it means that people who run the ministry have got to make some decisions. They've got to make decisions about what they can and they can't do, and there were a number of things that they couldn't do when it came to water testing. Again, much of what was the result in the tragedy of Walkerton is because of the decisions of this government to curtail much of the activity that the ministry was involved with when it came to water testing. I think she's right in that.

So yes, the government is bringing forward a bill to try to deal with this, but I just want to agree with the member: I think we can't forget that much of why we're here is because the Tories messed up in the first place. If the Tories hadn't done what they did when they ran in here in 1995 as the common sense revolutionists and decided to cut 50% of the ministry and cut 50% of the staff and do away with all that red tape that they talk about, that they say is a nuisance, much of this wouldn't have happened, because what we begin to realize after awhile is that regulation is not exactly as the Tories would purport it to be, which is just red tape and a hindrance to business, a hindrance to whatever; it's there to protect people from the kinds of things that happened in Walkerton. I thought the member from Lambton made some very good points and I agree with her on that particular point.

Interjections.

The Acting Speaker: We'll all wait until you two are done.

The member for Sarnia-Lambton now has up to two minutes to respond.

Ms Di Cocco: I want to thank the member for Beaches-East York for his kind comments.

To the member from Perth-Middlesex, I just want to say that my comments are not about a party line; they're about a level of values and about what I believe. I say that fundamentally because unfortunately I believe that in this House too many times it is only ideology and not about what one believes. It's important that I put on the record that it is about my values. That's why I say the things that I do.

I thank the member from Thunder Bay-Atikokan. Again, the whole notion is that the reason that we're here today speaking to this bill has a lot to do with mistakes, mistakes because of a tremendous underfunding of a ministry that was to protect the public. It is unbelievable that a ministry that important has funding that is less than in 1976 under Bill Davis. I agree with her that the commitment to safe drinking water is suspect, because the government has to put their money where their mouth is, and unfortunately we have the rhetoric, but we don't have the dollars to follow to assist, as stated in the inquiry report.

The member from Timmins-James Bay also spoke about the cuts that had a long-term impact. So I say that this legislation is an attempt to reverse this government's neglect of our drinking water and of our environment. I certainly hope that we can at some point in time begin to reverse it.

The Acting Speaker: The floor is open for further debate. I believe the rotation is over here; that's what I'm being advised. So if you'll take your seat and you'll take your seat—you might think we're going to debate this, but we aren't. You're not getting the floor. The member for Kitchener Centre, however, is.

2040

Mr Wettlaufer: Thank you, Speaker. I appreciate that.

I'm delighted to have this opportunity to discuss what I think to be a fairly strong piece of legislation, the proposed Safe Drinking Water Act that was introduced on October 29 by the Honourable Chris Stockwell, Ontario's Minister of the Environment.

Our government, the Ernie Eves government, takes the issue of the safety and protection of Ontario's drinking water very seriously. We are committed to ensuring that Ontario has and enforces the best and toughest clean water policies in the world. And make no mistake: we are committed to passing this important legislation as soon as possible.

One of the reasons that the proposed bill is so strong is that its roots are firmly grounded in the solid recommendations made by Commissioner O'Connor last May in part two of the Report of the Walkerton Inquiry. He made 93 recommendations regarding the safe delivery of drinking water in his part two. It is this government's intent to implement all of them.

A second reason the proposed bill is so strong is that it reflects this government's commitment to consult with key stakeholders and the public on the technical details

concerning the implementation of the proposed Safe Drinking Water Act. Some of this consultation has already taken place through postings on the Environmental Bill of Rights registry. Through these postings and other consultations, the common thread of partnership has been woven into the very fabric of this proposed legislation.

Our government has already made reporting of all adverse water results a legal requirement. Regulations 459/00 and 505/01 require that information, including the water testing results, be made available to the public within the next day by the owner and municipality. It also requires that laboratories and owners report all adverse water results immediately to the ministry and to the local medical officer of health.

Key components of the Safe Drinking Water Act as proposed by O'Connor include mandatory licensing of laboratories by the ministry and mandatory accreditation for all testing parameters, authority to establish drinking water standards, and a mandatory requirement to establish an advisory council to advise the minister on standards.

The proposed Safe Drinking Water Act links directly to recommendation 67 of the report. Within recommendation 67, Commissioner O'Connor made several key observations. One of those observations identified the need to establish the advisory council on standards. During this debate, I will focus my comments on the Advisory Council on Drinking Water Quality and Testing Standards and the legislative authority to establish several standards regarding the distribution, treatment and monitoring of drinking water.

The implementation of the drinking water standards can be related to a number of key recommendations made in part two of Commissioner O'Connor's report. In his recommendations, he outlines what he believes, and we agree, are the government's responsibilities in this critical area.

Some of those key recommendations relating to drinking water standards state:

"The provincial government should continue to be responsible for setting legally binding ... standards" through regulation. That was his recommendation 24.

The second one is, "In setting drinking water quality standards for Ontario, the Minister of the Environment should be advised by an advisory council on standards." That was his recommendation 25.

Third, "The advisory council on standards should have the authority to recommend that the provincial government adopt standards for contaminants that are not on the current federal-provincial agenda." That was recommendation 26.

Fourth, "All municipal water providers in Ontario should have, as a minimum, continuous inline monitoring of turbidity, disinfectant residual, and pressure at the treatment plant, together with alarms that signal immediately when any regulatory parameters are exceeded. The disinfectant residual should be continuously or frequently measured in the distribution system. Where

needed, alarms should be accompanied by automatic shut-off mechanisms." That was his recommendation 36.

Fifth, the drinking water protection regulation "should be modified to require standard protocols for the collection, transport, custody, labelling, testing, and reporting of drinking water samples, and for testing all scheduled contaminants, that meet or better the protocols in standard methods." That was his recommendation number 39.

As mentioned earlier, a number of Commissioner O'Connor's comments regarding the establishment of an advisory council on standards are also nested with his overarching recommendation number 67. The proposed advisory council on drinking water quality and testing standards will be composed of a blue-ribbon team of experts who understand both the spirit and law of our drinking water protection regulations. Its functions, to be outlined in the terms of reference, will include consultation and providing advice on policy, procedures and standards. The council will be visible in Ontario's communities and will actively seek public input.

The advisory council on drinking water quality and testing standards will be a council with clout. It will be supported by a strong regulatory regime. While setting high environmental standards for our drinking water is critical, the standards alone are not sufficient to ensure compliance. To ensure compliance, waterworks owners, accredited operating authorities and labs must report prescribed adverse test results immediately to the Ministry of the Environment and the medical officer of health.

Through the proposed advisory council on drinking water quality and testing standards, the government will provide both municipal and non-municipal waterworks facilities with the information they need to comply with these stringent requirements. As the council will also have a mandate to protect, to provide advice and consult with the public on our standards and regulations, they will be in an excellent position to actively ensure that Ontario's standards reflect the most up-to-date information and practices, and that these standards are consistently applied and enforceable. An advisory council will provide a broader range of expertise in the provincial standard-setting process and allow the province to obtain more assistance at little cost in this critical area.

We will also continue to seek out ways to keep the public informed about water quality, including the use of electronic systems, such as the Ministry of the Environment's Web site, which currently includes up-to-date information on adverse water quality on a site-by-site basis across Ontario. We will soon be announcing details of an advisory committee which has been established to guide the development of a framework to implement Justice O'Connor's recommendations on watershed-based source protection planning.

Also concerning source protection: in June of this year, this government announced an additional \$5-million investment in 2002-03 for groundwater studies to support the development of source water protection

plans. That's a total now of \$19.3 million since November 1998. I believe the proposed drinking water distribution, treatment and monitoring standards proposed in the Safe Drinking Water Act, combined with an advisory council on standards, will lead to even greater environmental protection.

The Safe Drinking Water Act is a forward-looking piece of legislation that also reflects our commitment to transparency and public consultation. I urge members to support this progressive bill.

2050

The Acting Speaker: Questions and comments?

Mr Parsons: As I said several minutes ago, certainly this bill goes a long way to address the Safe Drinking Water Act, but as a rural member, the fact that they have woefully neglected the protection of our water is a significant and major difficulty. We are seeing in rural Ontario continued energies that are detrimental to our water. I would suggest that the practice of cities of shipping garbage out and burying it in our fields is detrimental to us.

Each member has a role, not to protect the water in their riding but to protect the water in Ontario. Garbage dumps have a tremendous record of leaching into the ground, sometimes in the short term. Now we have technology that delays it over a number of years, but it will still come and haunt us, or perhaps not us but our children, grandchildren or great-grandchildren. To wilfully neglect that is to weaken what could otherwise have been a decent bill.

We have seen initiative. We have seen the Ministry of Agriculture put forward a program that would provide farmers with incentives to protect the groundwater. There was funding that encouraged them to buy no-till agricultural equipment, funding that allowed them to replace septic systems, funding that allowed them to build shelters over manure piles for awhile—all things that didn't benefit the farmer as much as they benefited the environment. The Ministry of Agriculture put this in place and allowed farmers to spend the money, knowing that it would better the water protection of all Ontario, and then retroactively came back about a week or two weeks ago and said, "Well, you can't spend as much as we told you you could spend. We won't fund any projects that were started before June 28. We won't pay for this equipment. We capped that at \$5,000." Here we have farmers trying to protect the water, and this government encouraged them and then reneged on their commitments to the people of Ontario for clean water.

Mr Bisson: I listened somewhat to the comments made by the member across—I forget the riding.

Mr Wettlaufer: Kitchener Centre.

Mr Bisson: Kitchener Centre. I'm sorry, I should know the name of the riding. It's covered here with a bunch of books and stuff.

I just want the member to comment on a couple of things. I agree with you that there are a number of things in this legislation that are quite frankly a step forward. I don't think anybody in this Legislature argues that what's

contained in this bill is part of what Justice O'Connor asked to have happen when it comes to the issue of making sure we have safe, clean drinking water in the province of Ontario. But what I want to hear the member talk about is why as a government member, when his government was first elected in 1995—because he came here in the class of 1995, and I remember well that he was one of the members who cancelled the leaking underground storage tank program that was put in place by Marilyn Churley, the then Minister of Consumer and Corporate Relations, which is exactly one of those issues that deals with contaminated water—I want to know why he as a government member cut the CURB program, another one of the programs that was put in place by the provincial government of Bob Rae to deal with clean drinking water.

He was a member of the government. I don't remember if he was a member of that committee, but I know he was a member of the government that voted to repeal the green planning act that was put in place by the NDP government by then Minister Dave Cooke that dealt with much of what issues of planning are and also, to an extent, how it affects water. I want to know why he was a member of a government that voted in favour of cutting by 70% the funding for the conservation authorities in the province of Ontario. We all know that conservation authorities play a very large role when it comes to ensuring that the groundwater is made safe.

So I just want to ask the member by way of these opportunities that we get for questions and comments to comment on those points of why he would, as a member of the Conservative government, have voted against all those initiatives that protected water in the first place.

Mr John O'Toole (Durham): I was drawn into this discussion by the member from Kitchener Centre.

This is a comprehensive bill to address the issues from the Justice O'Connor commission report. It's my understanding that 50 of the 93 recommendations in the O'Connor part two report have been addressed.

But I was drawn even more intensely to—the act authorizes inspections of drinking water systems and laboratories. You can't legislate against stupidity, but in the case of the Koebels, clearly the case had been made there. I would say to you that I think of all issues about my riding of Durham—and I'm meeting this week with the members from the Fralicks Beach Shel's Wood Water Co-op in Port Perry. This is a specific case, as most members here would know, that is inherent upon—this is a co-op where they have about 60-some homes, and those homes are all off a common well in the area. It's my understanding that if it weren't for Minister Stockwell's intervention, they would have had \$8,000 a year in charges on tests when this well—I lived there. In fact, my home was there for some time before I was elected here, because I can't afford to live there now. The fact is—

Interjection.

Mr O'Toole: I couldn't afford it now because \$8,000—can you imagine my constituents and their con-

cern about it? Their wells have not been tested negatively and now they have to have these tests to ensure that the tests are negative.

I think that our Premier, Ernie Eves, and Minister Stockwell have fully assured the people of Ontario that this province will have the safest drinking water. I put to the people of Ontario, what is the cost at the end of the day? That's what we should be considering here.

Mr Mario Sergio (York West): Do I still have two extra minutes? Do we have another rotation?

Hon Brad Clark (Minister of Labour): Yes, go ahead, rotate.

Mr Sergio: Well, if it weren't the member for Kitchener Centre, I would perhaps reconsider.

I do indeed concur and sympathize with a lot of the remarks made by the member, but let me say to the member and the members of the government that if indeed we have the basis for a strong bill here, it will not be complete until we have the bill approved, and until it includes all the other recommendations that this side of the House is proposing and all the recommendations from Justice O'Connor. There are some key points missing in the legislation as it has been proposed. I'm not saying—

Hon Mr Clark: What have you got against it?

Mr Sergio: No, you'll have to wait to hear that when I do my 20 minutes or so and you hear my comments, but let me say that this is a beginning. As the government knows, if they really want to make this bill watertight, they'd better go back and reread Justice O'Connor's reports, the Association of Municipalities of Ontario, the OMA—the Ontario Medical Association of Ontario—and other agencies—

Hon Mr Clark: Did you read it?

Mr Sergio: Yes, I have read it, and you will hear my comments—because you cannot provide safe drinking water to the people of Ontario until you provide that at the sources. I can tell the minister—unfortunately, the minister is here and he keeps yapping about whether I've read the bill—that the key recommendation is not in the bill as you have provided it. That is one key recommendation—

Hon Mr Clark: Did you read the Walkerton report?

Mr Sergio: Mr Minister, if you don't want to listen—it's a recommendation by Justice O'Connor, and you have failed to include it in this piece of legislation.

The Acting Speaker: The member for Kitchener Centre now has up to two minutes to respond.

Mr Wettlaufer: I'd like to thank the members for Prince Edward-Hastings, Timmins-James Bay, Durham and York West for participating.

I think it's important to point out what I had said earlier, that earlier this year, in June, the government announced an additional \$5-million investment for ground-water studies to support the development of source water protection plans, bringing it to a total of \$19.3 million in the last four years.

The member for Timmins-James Bay: I guess I would like to draw his attention to the fact that his government

spent \$10 billion in excess of revenue each year for five years. That's \$1,000 for every single man, woman and child in this province. They had their priorities. The people of Ontario had their priorities, and they expected a government to be a little bit more responsible fiscally. When we came to power in 1995, we attempted to do the right things.

The situation in Walkerton would never have arisen had it not been for the gross negligence of a couple of people by the name of Koebel. This started long before this government ever came into power. This continued through the Peterson government of the Liberals and the Rae government of the NDP.

Hon Mr Clark: It started in 1978.

Mr Wettlaufer: It started in 1978. It would have continued, unfortunately, through this government's mandate if this had not taken place, this terrible tragedy in Walkerton. As a result of the tragedy in Walkerton, Justice O'Connor has made his recommendations, and this government is committed to carrying out every single one of those 110 recommendations.

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The Acting Speaker: The floor is open for further debate.

Mr Sergio: I'll try and use my few minutes to make some key points on the major points of Bill 195. Sometimes we get wrapped up in our presentation and we forget some of the important things that we want to say or important points that we want to address on various legislation.

Let me say at the outset that I will be voting in support of this proposed legislation. But of course, I would be very ecstatic to say, "Yes, I'm supporting it wholeheartedly because it contains every recommendation of Justice O'Connor's report; it meets the approval of every agency and municipality." The opposition says, "No, it does not do that." We have concerns. I think the public has concerns. The various agencies have concerns. But having said that, we have to support it.

It is two and a half years late. It's got some good recommendations that stem from Justice O'Connor's report, and I'm pleased to see that the bill is here for some very limited debate. But I hope that the Premier and members on the government side will take to heart what we have to say on this side, that indeed they will go back and say, "You know, there is a lot of concern here." If we propose to make this particular bill indeed the Safe Drinking Water Act, then I think we have to include these particular key points, which I will try and address during my presentation.

As I was saying before, just in case I run out of time and I forget to make those salient points that are missing in the legislation, what are they? Raw water supply is not addressed in the bill, and I think that's a key point: if we cannot address the raw water supply, then it means down the line we're going to have problems. Source water protection: if we cannot have a set of regulations, standard laws, that will protect our water at source, then we're going to have problems later on. Sale of water: we're

going to have a problem in the future if the government insists on going on with the sale of Ontario water.

This bill is silent on the one third of staff they have cut. The bill is silent on staff and resources, which means funding. We've been saying that. Our leader, Dalton McGuinty, has been saying that for a long time, that you cannot provide protection through the Ministry of the Environment, not only on drinking water, when you cut one third of staff and millions from the environmental budget. So I believe that is important and it's not in the bill.

I don't know how they're going to address cost. How are they going to recoup and who is going to pay? We have to keep in mind that it is going to cost absolutely hundreds of millions of dollars, and it's something that this government must address and must address heavily, very actively, progressively and, if I may say, soon, without falling on the backs of the smaller municipalities, because we know where it's going to end up: on the shoulders of the individual consumer.

Those are, very quickly, some of the things of terrible importance, and in going through the bill I have found they're missing. As I said before, these are key elements that Justice O'Connor has addressed in the report. Protecting the water at source is something that AMO, the Association of Municipalities of Ontario, said, "You cannot send this bill forward unless you address the problem at the source," and they're not doing that. The Ontario Medical Association says that you cannot say you are providing safety for the health of Ontarians through the drinking water unless you take care of water at source. That is why it's important.

Bill 195 was introduced this past October. In doing so, the government has been trying to frame on a comprehensive basis, but it's missing many of those ingredients, the whole report of Justice O'Connor. We not only recognize the importance of the recommendations of Mr O'Connor, but we recognize fully—Dalton McGuinty, our leader, has said this many times—that it's something we cannot fool with. We're not going to accuse the Conservatives and say, "What happened at Walkerton is directly your fault." Perhaps it was brewing long before. But as the report says, they had plenty to do with it, and they had plenty of warning as well from all sides: all sides of the opposition, the various agencies, people working in the ministry. You cannot have a different effect, you cannot have a different result, when you cut the funding and the manpower so deeply, and then on top of that, in five years you have cut 500 monitoring stations. You just cannot believe that everything is going to be the same, that it's going to be rosy, that the water is going to be the same, that the water is going to be checked, and that when you open your tap you're going to get the same water that you were getting before or the water that you expect to get. It is just impossible.

We support this bill because it's got some of the recommendations. It includes some of the things we've been saying to produce safe drinking water. But we hope that while supporting the initial bill here, whenever the

government decides, they will do it better, they will go ahead and include some of the other things that not only we have been saying but that Justice O'Connor has been saying as well.

Not only that; I think given the particular situation very recently and the ineptness of the government—what did they do? They appointed a commissioner. We have all seen the report of that commissioner as well, with great reservation with respect to the water conditions, saying that perhaps it's even worse than before. Having said that, I will not be going into the complete report because I only have about 10 minutes left.

The protection of drinking water: while we support the intent, while we support the elements of the bill, as Liberals we request, on behalf of making this bill better, on behalf of the people of Ontario, to include some key points. These key points, as I said, we have already raised. They are there to be used, to be incorporated and to be put forward. We demand that these key points—two or three I've mentioned. It is not to privatize the water and sewer system. It is absolutely not a benefit for the consumers, for the business people in Ontario. I think our position has been, and we would like to make this clear, that there is always a factor, there is always a part, a role that our businesses, our industries, our expertise, our expert people have. They have a role in that. But publicly, water and sewers must be in our domain. We cannot concede on that. We must have control; the public must have control. We have well-qualified individuals and agencies, and as I said, they have a role to play. But privatizing the entire thing—it absolutely does not benefit the people, the consumers of Ontario.

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Financial support is something we would like to see. Financial support for the water and sewer infrastructure is important. If I have time, I'll read from the report from Justice O'Connor. It will cost, if not in the billions, in the multi-millions of dollars to bring up to par and repair infrastructure, especially in those municipalities where the infrastructures are so old that I believe every one should be checked.

Important as well is affordability, affordable water rates. Not that I don't trust the capacity of the public sector, but I believe we have a responsibility to provide the people of Ontario—the seniors, the pensioners, the working-class people, industry as well—with a fair, acceptable water rate. Even Justice O'Connor said so. Again I refer to the report. I know the Premier and members of the government are well aware of the report, in which Justice O'Connor says you cannot make it a burden on the less fortunate. I think the government must be aware of that.

I am not going to attack the government for the reckless cuts, because we all know now where the cuts were made and how deep those cuts were. Even Justice O'Connor addressed the situation when he said it was the reckless cuts that have been putting public health at risk.

Finally, now we have this partial bill, if you will. They promised to include funding. This is of interest, because

over two and a half years ago we had the Walkerton tragedy. We have had two and a half years of inaction from the government. In 2000, they announced they were going to take care, were going to fund programs, stuff like that. We haven't seen anything yet. We have not seen anything yet from this government to correct some of the problems that brought about the tragedy in Walkerton.

Bill 195 is practically only half, if I can say that, of going through the recommendations of Justice O'Connor. It includes and addresses only about half of Justice O'Connor's recommendations. We believe that the best and most effective way to ensure safe drinking water is at the source; we have to provide safe drinking water at the source. This is a key recommendation by Justice O'Connor. It is something we have been saying, and I do hope that indeed the government will be listening.

Costs borne by the consumer: I am a bit—I wouldn't even say irritated any more by what the Premier has said. He says, "The consumer will pay whatever it costs. If it doubles, they have to pay. If it triples, they have to pay." That assertion doesn't sit well with me, my colleagues or with the people of Ontario, especially at this particular time when we are going through the convoluted mismanagement of Ontario Hydro deregulation, Hydro One rates, if you will. That is a huge problem. When you combine the difficulty our consumers are facing with respect to high hydro bills—doubling—they cannot afford gas, electricity, water and everything else. What are we doing to our people? Are we saying, "We have to recoup the cost, and if it's going to double, you've got to pay; If it's going to triple, you've got to pay?"

Well, Mr Premier, let me say this: it's not sitting well. It is not becoming to the leader, the Premier of Ontario, when he says, "Whatever the cost will be, that's too bad. Whoever gets hurt, it doesn't matter." It does matter, because there are people out there, plenty of seniors, who can't afford paying double for one utility, that being hydro.

I didn't have a chance earlier, but I received this today. A senior couple, constituents of mine, pensioners, live in a 900-square-foot, or maybe even less, pre-war bungalow, five rooms, two bedrooms. Their last bill was \$378.16. The previous one was \$199. Why? How can we justify such a big jump to our seniors? These are the things that are missing.

Evidently I will not have the time to go into the rest of my presentation, but I want to say that one of the important elements of Bill 195 is its components. What are those components?

—One is to license and accredit the water labs, the technicians and so forth. That's fine. I think it is good that they all become accredited and licensed.

—Standards and distribution, treatment and monitoring of the same.

—Certification and training of the operators. I think it's high time.

—Owners' licences and certification of approval as well. That should have been done a long time ago.

—Statutory standards of care for municipalities. That is very interesting, and that must be done together with the various municipalities, especially those small municipalities where we know they don't have the manpower, the funds, and their infrastructure is—they really are in need of money.

—The Ministry of the Environment will ultimately—this is good—develop and issue an annual state-of-Ontario-drinking-water report to the Ontario Legislature, of course not only to us but to the people of Ontario.

That is why, as I said before, we are willing to support Bill 195. It includes some of those key recommendations, but what is missing so far are the other key elements included in Justice O'Connor's report. What is included at this stage is the goodwill, the basis. As my colleague the member for Kitchener Centre said, "It's solid." Well, maybe one leg is standing on solid ground, but let me tell you, unless we address the whole issue, we're going to be having holes later on. Knowing the history of the last two or three years, we don't want that to happen again, do we? I don't think so.

I would say to you, Premier, and to the members on the government side, take a second look at all the recommendations of Justice O'Connor. Make sure that when this bill goes ahead and is approved, it will do what Justice O'Connor wanted in his report, what the people of Walkerton expect us to do and what the rest of the people in Ontario expect us to do with this safe drinking water bill. After all, it's a very important need, as Justice O'Connor said. Wouldn't we say, Premier and members of the government, that water indeed is a very important need?

I would say yes, get on with it, come back with some of those exclusions and make the bill better so we can all say we have done our best.

2120

The Acting Speaker: It's now time for questions and comments.

Mr Bisson: I listened to the comments made by my colleague in the Liberal opposition and I probably agree with most of what he has to say. But again I want to put the question to him, because the question was never really answered earlier, and that is why he thinks the government, which now purports to bring this legislation forward—and it's not bad legislation, I wouldn't argue; they see the necessity for the government to play some regulatory role and also some legislative role in making sure that we have safe drinking water—why he thinks the government, which on being elected in 1995 made all the changes it did through the Red Tape Commission, slashing and cutting regulation and red tape, as they called it, by way of moving toward privatization in the water testing field, by way of 50% cuts in the Ministry of the Environment at both staffing levels and financial levels, all of a sudden seems to have realized that maybe it has made an error, that the government probably was wrong to do what they did back in 1995 and that those things they cut were the very things we needed to make sure that drinking water in Ontario is made safe?

I'm just wondering what he thinks of the government's move back in 1996 to cut the funding of the conservation authorities of this province by almost 70%, the funding they need to make sure that groundwater is made safe—we all know, as members of the assembly who work with conservation authorities fairly regularly, that they have a very specific responsibility when it comes to water—and why this government didn't recognize that cutting their funding in 1996 by 70% would have a negative effect on the quality of drinking water in Ontario.

I'm just wondering what the member has to say about those issues because it seems to me a little bit passing strange that all of a sudden the Tories have turned a new leaf and understand that the government can, should and must play a role when it comes to preserving safe drinking water in this province.

Hon Mr Clark: I have just a couple of comments and perhaps questions to the member for Timmins-James Bay. I'm finding it curious why you would raise some of those questions when in fact it was the NDP government that actually allowed privatization of water and sewage treatment plants to occur initially. You can shake your head, but I live in Hamilton. As a matter of fact, the Hamilton Woodward Avenue sewage treatment plant went through privatization under your government. You actually allowed that to happen. You can sit there and be critical now, but in reality you allowed it to happen. If you check the record back in 1993, it was Minister Ruth Grier who eliminated the water inspector schools, where they actually taught the water inspectors how to do their job. I would just point out that it was your government that did that.

I bring that all around because the Walkerton report actually talks about this issue starting in 1978. So every government had their hand in the pie and had an opportunity to fix the problem. It just continued on and no one fixed it. We're now fixing it.

As for the member opposite and his position that they're going to support the bill in principle, with the greatest of respect, water source protection is not a part of the bill because Justice O'Connor stated very clearly it should be under the EPA. If you know anything about hydrogeology—and the member from Sarnia-Lambton would know this because she has a landfill in her community—actually looking at hydrogeology and how the water flows under the ground in an aquifer is probably the most complicated, comprehensive thing to do. In most communities in Ontario, hydrogeologists will tell you that it is incomprehensible to predict with any degree of certainty where the water will flow under the ground.

That's why we're doing a study. That's why we're asking people to look at the groundwater and find out exactly what needs to be done to ascertain where the water's moving before one would try to protect it. That seems eminently reasonable to me. I know you don't agree, but on our side we like to get things right.

Mr Bruce Crozier (Essex): I want to compliment my colleague from York West on his comments on this bill

and for pointing out some of the deficiencies in the bill. I want to bring the attention of this Legislature and particularly this government to those deficiencies that aren't addressed when it comes to a small community like Pelee Island.

I looked through the costs that are involved in bringing this bill to fruition. Under municipal costs: "All municipal water providers in Ontario should have, as a minimum, continuous in-line monitoring of turbidity, disinfectant residual, and pressure at the treatment plant, together with alarms that signal immediately when any regulatory parameters are exceeded." How is a community of fewer than 200 people on Pelee Island going to do this unless the provincial government provides the funding?

Another one under municipal costs: "Municipalities should review the management and operating structure for their water system to ensure that it is capable of providing safe drinking water on a reliable basis." I agree with that, but the community of Pelee Island has fewer permanent residents than most streets in urban municipalities in this province.

Another one under municipal costs: "The provincial government should require municipalities to have operational plans for their water systems by a date to be fixed by the provincial government." Again, this is a cost that a municipality of under 2,000 people can't afford.

"The provincial government should require all owners of municipal water systems, as condition of their licence ... to have an accredited operating agency, whether internal or external," again, something this municipality will need a great deal of assistance with.

Mr Murdoch: Again I'm up to talk about this bill. The member who just spoke was worried about the costs. I'm sure he knows, as he said, that there will be costs to small municipalities. I have many of those small municipalities in my riding also and we are concerned about the costs, but I have talked to the minister and there will be ways to address these costs. There has already been some money that has gone out to some municipalities under the legislation, under the grants we have put out. So I'm quite confident that when everything is done, when the regulations are passed, when the bill is passed, with the help of the opposition, we will be able to address these costs to small municipalities.

In the O'Connor report, he mentioned that people spend money on many things, but maybe not enough money on water. Well, people will have to pay some money for their water, for clean water, but I want to assure the member on the opposite side that this government will make sure there are funds to help out smaller municipalities. There's no doubt that is going to have to happen.

We also need the co-operation of the opposition to make sure this bill gets through and we can start working on the next bill that will come to look at the watershed: we will be looking at water there. When we get into this House, we get fighting back and forth about silly little things. I'm hoping this time, with your help, we will be able to do that and we will be able to look after the

smaller municipalities. As I said, I have lots of those in my riding. As you know, Walters Falls has made some news. They have quite a problem right there, and there are very few people—only about 60 people—on the system. With this bill being introduced, I'm sure we'll be able to look after those problems. Again, when the regulations come forward, I hope we get support from the other side.

The Acting Speaker: The member for York West for up to two minutes.

Mr Sergio: Briefly, I think it's the intent of every member of the House to see that the bill goes through and represents the beginning of something that we all aspire to provide for the people of Ontario. I'm sure it's going to go through, maybe as it is but hopefully with some improvements.

I want to thank the members for Essex, Bruce-Grey-Owen Sound and Stoney Creek—the minister himself.

Just to respond to my colleague from Timmins-James Bay as to why the government is doing this at this

particular time, I should say it's better late than never, perhaps because they finally believe that this is really too important to put in abeyance any further. Yes, of course, time goes fast and there is a lot of preparation, a lot of research, a lot of reports, but two and a half years is a long time and it's time that we move on.

I'm sure, to appease the concerns of the Minister of Labour, we will be supporting this bill. It is in the interest of the people of Ontario that we seal this bill as watertight as possible, delivering safe drinking water to the people of Ontario.

I have about 10 minutes. We all want to go home. I will stop right here, Mr Speaker, and I appreciate your time in the House today.

The Acting Speaker: Thank you very much. It now being after 9:30 of the clock, this House will stand adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2131.

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			Sergio, Mario (L)

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Tuesday 5 November 2002

Mardi 5 novembre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 5 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 5 novembre 2002

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

ONTARIANS WITH DISABILITIES LEGISLATION

Mr Ernie Parsons (Prince Edward-Hastings): One year ago today, Citizenship Minister Cam Jackson introduced the Ontarians with Disabilities Act. This, by the way, is the minister who gave new meaning to the phrase "meeting with stakeholders." Many of my Conservative colleagues have said, "How is the act working? Can we have an update on it?" I'm pleased to provide that today.

Since one year ago today, of the 13 major new commitments that were promised to Ontarians with disabilities, none have been kept.

One year after appointing a new provincial advisory council, only five of 12 have been appointed—not one woman.

One year ago today, this government committed to working to launch an incentive program to get all sectors to work together to remove and prevent barriers. No program has been announced. Cam Jackson promised no new barriers. Fifty special education teachers were laid off in Ottawa, a major barrier to special-ed students.

Former Citizenship Minister Isabel Bassett committed to amend the Ontario building code. Consultation took place in the winter of 2001. The reforms were passed in the spring of this year. Not one new measure included anything on disability access.

Your government said that you would lead by example. Over the seven years, you are still working to try to make your own Web sites accessible.

As far as private industry goes, Pizza Pizza in Toronto clearly demonstrated that they will not provide access to Ontarians with disabilities.

Ontarians with disabilities say to your government, "Where's the beef?"

WIFE ASSAULT PREVENTION MONTH

Mr AL McDonald (Nipissing): Honourable members, I rise to remind members that November is Wife Assault Prevention Month in Ontario. This is the 17th year that we have recognized this month to highlight the

gravity of domestic violence. As we increase awareness, we also underline our commitment to ending it.

Every person has the right to live in safety. The government of Ontario does not tolerate violence against women or their children. Preventing domestic violence is everyone's responsibility. We need to engage all Ontarians to end domestic violence.

Last September, this government expanded its commitment with a series of new initiatives, bringing spending for 2002-03 to more than \$160 million. Since 1995, spending to combat domestic violence has increased by 70%. While this government continues to improve supports and services for women who experience violence, provincial ministries, community agencies, courts and lawmakers alone cannot solve this problem. It is a challenge that must be tackled by the whole community. We know there is more to be done, and I encourage all Ontarians to play a part in stopping violence against women and children and to help make Ontario a safer place for everyone.

A husband and father's first role is to protect his family. Let's end the abuse now.

COST OF ELECTRICAL POWER

Mr Michael A. Brown (Algoma-Manitoulin): The latest attack on our families, on our businesses and on our communities continues as the Harris-Eves government's electricity fiasco is nearly bankrupting Ontarians.

Yesterday I met with close to 200 constituents, a lot of them unable to afford to pay their electricity bills. Most of the people I met with are Great Lakes Power customers. Great Lakes Power is a private company—I repeat, private company. It was before; it still is. Great Lakes Power used to provide power to customers at very competitive rates and did so for many decades. I assume they made a profit doing it. However, the Harris-Eves government has forced Great Lakes Power rates through the roof.

Premier, you have rushed forward in this ideologically driven government without regard for the people of Ontario, and it must be reconsidered. For example, Dubreuil Forest Products has now announced layoffs. They have announced these layoffs because of a 154% increase in the price of their electricity. Russell Reid of the Algoma public school board warned of school closures, teacher layoffs and classroom cutbacks because of increases to the school system's electrical bills. Frank Buerkle of Lady Dunn Hospital says he will have to cut

services just to keep the lights on. Gilles Begin of the Wawa Valu-Mart tells us that his bill has gone from \$5,000 to \$10,000 a month. He will not be able to keep his grocery store open.

Stop the rip-off. We need the rebates now and affordable electricity rates right now.

SOCIAL SERVICES

Mr Tony Martin (Sault Ste Marie): I just returned from the Kimberly Rogers inquest in Sudbury. Kimberly died while pregnant and living in inhumane conditions as a result of the Conservative government's social assistance policies and cuts. I find it disturbing that a woman and her unborn child died. This government's policies likely contributed to their deaths, and Premier Eves doesn't even think the ministry responsible needs to be at the inquest. Conservative government policies are costing people their lives. Premier Eves should take responsibility for his government's mistakes, send representation from the ministry to take part in the inquest and implement the major policy changes needed to ensure that no one else dies.

Speaking of dying, have you heard the one about the homeless people who found an abandoned building and fixed it up so that they didn't have to live on the streets? All Premier Eves needs to do is sign the building over to the city of Toronto, who have agreed to turn it into affordable housing. Has he done this? No. Just as the weather is turning cold and the nights are going below freezing, the Conservative government ordered the forceful eviction of the people living there. People are freezing to death on our streets and Premier Eves still thinks investing in social programs is a joke. Nothing about the Conservative government's actions is funny.

It's time for Premier Eves to show some leadership. Invest in affordable housing. Stop the lifetime ban on social assistance, and commit right here today to sign over the Pope Squat property to the city of Toronto so they can immediately begin to build affordable housing so that more people don't die on the streets this winter.

OWEN SOUND SALMON SPECTACULAR FISHING DERBY

Mr Bill Murdoch (Bruce-Grey-Owen Sound): I rise in the House today to congratulate the success of an event in my riding of Bruce-Grey-Owen Sound which took place on Saturday, August 31. It was the 15th annual Owen Sound Salmon Spectacular fishing derby. Many members in this House took time to enjoy the festivities and travelled to Owen Sound for the event. I would like to thank Minister Jerry Ouellette, Morley Kells, Minister Frank Klees, Gary Carr, Joe Tascona and Ted Arnott for joining in. You all made the day more spectacular.

The 10-day event is one of the largest and longest-running fishing derbies across North America. Co-chairs of the event Fred Geberdt and Rob Wilson, the derby

committee and the hundreds of volunteers are to be commended for their long, hard work and dedication throughout the year in preparation for this event.

The event is held annually by the Sydenham Sportsmen's Association, which is an active outdoor club across Ontario of which I am a proud member. The derby attracts anglers from all over North America and Europe. The proceeds go toward helping many fisheries and conservation projects, including operating the club's salmon and trout hatcheries. The success of these hatcheries includes the production of over 300,000 salmon and trout a year, all maintained through volunteer work.

The Sydenham Sportsmen's Association is to be praised for their ongoing contribution and dedication to local conservation. I look forward to next year's salmon spectacular and hope all members of this House will be able to attend the 16th annual fishing derby.

Mr Speaker, as I say, this is one of the great derbies across Canada, and I thank you for being there also.

1340

MUNICIPAL TAXATION

Mr Mike Colle (Eglinton-Lawrence): There is a strong wind blowing from the Kawarthas, bringing the call for change, a call for a return to democracy in Lindsay, Bobcaygeon, Fenelon Falls, Omemee, Sturgeon Point and Bexley. All across the Kawarthas people are fed up with a government that didn't listen to them, that forced amalgamation on them. Former Minister Clement didn't give them a say on amalgamation.

Now they're saying they're fed up with this megacity, where their taxes have gone up 30%, 40% and 50% in these small towns. The people in Fenelon are fed up. The people in Bobcaygeon are saying that this undemocratic dictatorship out of Queen's Park never gave them a say. In fact, Minister Clement even took away their name and gave them a name they didn't want. They want a return to Victoria county. They want their identity back. They want their low taxes back. They are calling for a full-fledged referendum so they can have a say on how they're governed in those small communities. They're fed up with being dictated to by the present member, who doesn't listen to them.

We had crowds here asking to be heard and petitions from Fenelon and Bobcaygeon. There were 650 people in the local arena in Manvers saying, "We want our democracy back." They're going to get it back. We're supporting a call for a referendum in Victoria county.

Long live Victoria county—forever. Long live democracy.

STRATFORD FESTIVAL

Mr Bert Johnson (Perth-Middlesex): The 50th season of the Stratford Festival opened on April 24 with *All's Well that Ends Well*. As this historic season draws

to an end, it's apparent that the Stratford Festival is very well indeed.

This year the Stratford Festival once again sold more than 600,000 tickets and opened a fourth theatre.

The Stratford Festival success also means success for countless bed and breakfasts, hotels, motels, restaurants and shops in Stratford and the surrounding area. Visitors to the festival account for about 12% of southwestern Ontario's tourism. They spend an estimated \$12.5 million on accommodation and a total of about \$170 million in the region.

This year the program was scheduled to end on November 10. However, demand for tickets was so high that they've added two extra weeks of *My Fair Lady*. If any members of this House have yet to make it to the performance this year, there is still time left to see Cynthia Dale recite and sing, "The rain in Spain stays mainly in the plain."

I want to take this opportunity to congratulate the management of the Stratford Festival, especially artistic director Richard Monette and executive director Antoni Cimolino, and thank everyone involved in the festival for their contributions.

HYDRO RATES

Mr George Smitherman (Toronto Centre-Rosedale): Murray Campbell from the *Globe* dubbed the government "the Seinfeld administration" because it's about nothing. These days, the government caucus is doing their best imitation of George Costanza.

People like Frank Mazzilli, Cam Jackson and Brad Clark are so worried about themselves that they're panicking. They're pushing everyone aside to get out of the way of the Ernie Eves hydro disaster. They remind me of that Seinfeld episode where a fire starts at a children's birthday party. Instead of calmly leading the children to safety, George panics. He rushes out the door, pushes the children aside, tramples his girlfriend and breaks her grandmother's arm.

Interjection: Your name is George.

Mr Smitherman: I don't have a girlfriend. When the police question George about his cowardly behaviour and knocking over a grandmother, George's excuse is, "We needed a leader." My only hope these days is that the so-called leaders rushing to abandon Ernie Eves and his hydro rate hijacking don't injure Margaret Marland when they bolt for the door.

And poor Ernie. He clearly is no longer master of his domain. The outcry against his hydro rate hijacking has gotten so bad, I hear he's got them answering the phone in the Premier's office, "Vandelay Industries."

The Ernie Eves government truly is the Seinfeld administration.

WILMOT CREEK VETERANS PROJECT

Mr John O'Toole (Durham): That's a difficult act to follow. I am pleased to rise in the House today to pay

tribute to a project in the Wilmot Creek community that honours allied veterans of World War II and those who served in the Korean conflict.

The Wilmot Creek adult community has compiled the names of 201 veterans who are current or former residents. These names have been inscribed on a memorial scroll that is to be hung in a place of honour in the Wheelhouse Auditorium. The veterans in many communities are part of a living heritage, and I would like to congratulate all the residents of Wilmot Creek for their support of this project.

Special thanks are due to Madge Cadan, who first suggested the idea of the honour roll to the homeowners' association. Her committee members include Norm Baker, Frank Smith, Frank Boyle, Doreen Carpenter and others too numerous to mention. I would also like to commend David Rice and Ridge Pine Park for their contribution to the project by framing the scroll and building a memorial garden with a plaque in honour of this special purpose. Thanks also go to Bruce Hadji, president of the Wilmot Creek homeowners' association, and members of the board such as Don Bower, who supports the project enthusiastically.

The honour roll and plaque will be dedicated this Saturday, November 9, in a ceremony that will include the federal Minister of Veterans Affairs, Rey Pagtakhan, invited guests and the Wilmot Creek community. I will look forward to attending myself. This is just one of the many events taking place in my riding of Durham this weekend. All of us paid time to respect the veterans who gave their lives to support our freedoms.

VISITORS

Mr Bruce Crozier (Essex): On a point of order, Mr Speaker: I'm proud to have from the great riding of Essex a legislative page, Maureen Balsillie. With us today in the members' west gallery are her mother Leslie, father Doug, sister Janelle and sister Amelia. Please welcome the Balsillie family from Essex.

WEARING OF PINS

Ms Marilyn Churley (Toronto-Danforth): On a point of order, Mr Speaker: I have two points of order relating to the same issue. Number one, November is Adoption Awareness Month and I would ask for unanimous consent to wear this multi-coloured pin to represent this month. That's the first point.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

DISTRIBUTION OF LETTER

Ms Marilyn Churley (Toronto-Danforth): The second point of order—and I just want some clarification on this. I came in before the Legislature opened this afternoon and distributed from me, an honourable member in this Legislature, on every member's desk a letter

from me about my adoption bill, Bill 77. When I came back in I found that they had all been picked up, that the pages were ordered to collect them and I had to redistribute them, which I just did.

I want some clarification. I have done this before in the past. I am an honourable member here. I provided a letter from me to all other honourable members in this chamber and I'd like to know what the problem is.

The Speaker (Hon Gary Carr): It is that you can do that to the members when they're here. We don't allow any member to distribute anything before because if we do that, the desks will become cluttered, with all members doing that. The only thing we do is, as you know, there is advisement relating to the Legislature to remind members for committee work. If you need to do that, you have to do it when the members are here. If they come in early and they are laid on the members' desks, we will remove them. So I would ask all members' co-operation in that. We don't allow anyone to do that. If you have gotten away with that in the past, it was only inadvertently that we didn't catch it. So I would ask all members' co-operation. If you want to distribute something, you must do it after we begin seating, not before.

Ms Churley: On a point of order, Mr Speaker: I just wanted to thank you for your ruling and to thank Mr Murdoch from the Tory caucus for distributing these to his caucus.

The Speaker: I thank the member, who is always helpful.

VISITORS

Mr Dave Levac (Brant): On a point of order, Mr Speaker: I'd like to bring the attention of the House to visitors up in the gallery today. They are grade 11 students from Pauline Johnson Collegiate in Brantford, my alma mater, and their teacher, Jeff Goodall. They got lost in the mall or something and that's why they're a little late, but I'd like to welcome them to the House to watch democracy in action.

Mr Tony Ruprecht (Davenport): On the same point of order, Mr Speaker: I would like to welcome the grade 10 class from Oakwood Collegiate, who have come here today to pay us a visit. Let's welcome them as well.

Mr Tony Martin (Sault Ste Marie): Donald and Kathleen Robertson and Martha Lewis, grandparents and aunt to our page Alexander Steele, are in the House today from Cambridge and Ingersoll. Welcome.

Mr David Christopherson (Hamilton West): I would draw to the attention to the members of the House in the opposition gallery, although constituents of the Honourable Brad Clark of the riding of Stoney Creek: my partner, Denise Doyle's family, Paul and Helen Brenton and their two children, Lucas and Kelli, are here today. Welcome.

1350

Mrs Margaret Marland (Mississauga South): Mr Speaker, I am rising on a point of order. The member for Toronto Centre-Rosedale referred to something about me

being hit as somebody was coming through a door. I just wanted to assure the House that I'm actually very fit, capable and able and I have not sustained such an injury to which he refers.

Interjections.

The Speaker (Hon Gary Carr): Let's not get into it. It's OK. It was all done in fun, I believe.

ORAL QUESTIONS

HYDRO RATES

Mr Dalton McGuinty (Leader of the Opposition): My questions today are to the Premier and they are on a matter of the utmost importance to the people of our province, families and businesses alike: hydro.

Premier, people all across Ontario are expressing their outrage at what you have done to their hydro bills. We've heard from families, seniors on fixed incomes, small and large businesses, charities, and even legion halls who are telling us that they simply cannot afford to pay their hydro bills.

Here's a specific case. Suzanne Fairweather lives in Richmond Hill. She was laid off in April and she's trying to find work. She is struggling to make ends meet. Her hydro bill has now doubled on your watch. She is terrified that she will no longer be able to afford her house.

There are hundreds and thousands of people like Suzanne right across the province. They can't wait any longer for help. They're looking to you. You created this mess; it's up to you to take responsibility. They want to know about this rebate you've been talking about. When, Premier, are you going to help these people by providing them with a rebate?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): There are many factors that go into determining what hydro rates are. We acknowledge and we understand that there are many people across the province who are having difficulty with respect to, especially, the months of July, August and September, and the size of those bills and the amount that the rates went up. We understand that. The Minister of Energy is working with a team of individuals to produce a plan that will respond not only to the immediate situation with respect to rates but also to the intermediate and long-term solution for supply in the future as well.

Mr McGuinty: It's wonderful to hear the Premier express that he feels the pain being experienced by the people of Ontario and that he is actively pursuing some kind of a plan. Premier, why in the heck did you not prepare some kind of an intelligent, responsible plan before you let this thing unfold in the province of Ontario? You know, there was a small minority of people left in the province who assumed that somehow there was some minimum level of competence over there when it came to setting up this structure. It is non-existent.

Let me tell you about another case. The Inn of the Good Shepherd is a non-profit agency in Sarnia. They've got a client on social assistance who has a hydro bill of \$600. His power is going to be shut off today. He's terrified that if he loses his power, children's aid will come and take away his children. The Inn of the Good Shepherd doesn't have enough money to help him out. The best they can do for him is to offer him a food package.

Premier, I say to you again: you created this mess. You created yet another crisis. You didn't lay the groundwork properly and the people of Ontario are paying a terrible price. I ask you again: why are you not going to help Ontarians today? Where is the rebate that they need today?

Hon Mr Eves: With respect to the specific question, I presume that the relative utility will act in a responsible fashion and the individual's power, indeed, will not be cut off.

Mr McGuinty: Premier, I have no idea why you make that assumption. Something else you had better check into: those people who are on social assistance today in the province of Ontario—you haven't made any provision whatsoever, of any kind, to help out people who find themselves on social assistance, who find themselves in dire straits as a result of one new factor you've introduced, and that's an exorbitant hydro bill. Nothing has been done on your part to help those people.

Here are a few more cases, since you seem to be unaware of what's happening on this issue. Chris Grant in Ottawa: his bill went from an average of \$200 to \$420 a month. Sue Clark in Ottawa, on ODSP: her bill went from \$53 to \$112. Mark Powell, Stoney Creek: last year's bill, \$135; this year, \$253. Ian McQueen, Stoney Creek: last year's bill averaged \$70 a month; this year it's \$180 per month. Howell Printing Co in Toronto: last year they were paying \$89 per kilowatt hour; this year, \$172 per kilowatt hour. People are experiencing pain as a result of your gross mismanagement and incompetence on the hydro file. These people need help, and they need it today. I ask you again, on their behalf, where is the rebate?

Hon Mr Eves: It's great to be the leader of the official opposition and take a negative point of view on every single thing that happens. I would like the leader of the official opposition to predict for the House now what the weather will be like next July, August and September. I'd like him to predict now how many megawatts of power will be coming on stream next year at this time.

The reality is that there were some 2,000 megawatts of power that Pickering was supposed to have on-line that are not on-line. The reality is that 800 megawatts of power at Bruce were off, when they were expected to be on, because of a mistake made during routine maintenance. The reality is that we had the hottest summer on record in 50 years. The reality is that rates for residential consumers between May and now have gone up about 23% on average. That is the reality. We understand that even that is too high, and we will be taking specific

action to deal not only with the rebate, but with the interim and long-term supply of energy in the province as well.

ELECTRICITY SUPPLY AND DEMAND

Mr Dalton McGuinty (Leader of the Opposition):

My question is again to the Premier. The reality is that you promised us lower rates. The reality is that you failed to take the necessary and cautious steps to get this right. The reality is that the people of Ontario today are being hurt as a result of your gross mismanagement and incompetence on the hydro file. That is the painful reality.

Premier, we are now stuck in a situation where we have the worst of all worlds. We have skyrocketing hydro bills, we have a shortage of supply and we have a private sector that has effectively turned its back on you and said they wouldn't touch this situation with a 28-foot pole. You've left us with the worst of all worlds.

My question to you Premier is, now that we understand you have created a crisis in terms of a shortage of supply, what specifically is your plan to bring more supply to the province of Ontario?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): We will be delivering our plan in due course, but I want to correct a few things that he said. The leader of the official opposition—

Interjections.

Hon Mr Eves: They weren't fed today in caucus.

The Speaker (Hon Gary Carr): Member for Windsor West, come to order, please. There was patience while the leader of the official opposition asked his question. There was quiet. I'm going to insist on the other side as well. The people of the province want to hear the leader of the official opposition and the Premier, not the rest of the backbenchers yelling at each other, and if we have to throw people out, we will. They're capable of providing their own sides on the issue; they don't need the help of people shouting in their ears. Sorry, Premier.

Hon Mr Eves: The leader of the official opposition certainly will know that investment by the private sector and the energy sector is experiencing great international difficulties. According to Cambridge Energy Research Associates, in the first quarter of this year alone, 50,000 megawatts of power projects in the United States of America were cancelled or put on hold; 20,000 were cancelled outright, and 30,000 were put on hold pending changes in circumstances.

The situation we are experiencing in the province of Ontario is no different than it is in the United States of America or other places internationally at this time. We, like those other jurisdictions, will deal with the problem within our own jurisdiction.

1400

Mr McGuinty: You tell us you're working feverishly now to develop some kind of plan to meet our supply needs. I ask you again, why did you not prepare that plan and execute it properly long before we came to this

situation? Why are we desperately scrambling today to build new supply?

Here are the facts, Premier: you mismanaged Pickering. We're short some 2,000 megawatts there. We still don't have our ties in place to the province of Quebec. We're not going to get what we should be getting there. The NDP graciously cancelled any proposal we had to establish linkages with Manitoba. We find ourselves once more in a terrible crisis of shortage of supply as a result of your mismanagement. This was all able to be anticipated. You could have predicted it, Premier. I ask you again, what specifically are you going to do to bring more supply to Ontario?

Hon Mr Eves: The leader of the official opposition knows, in response to an answer to one of his first three questions, that what was supposed to be on-line was 2,000 megawatts of power at Pickering and another 800 at Bruce that was down for maintenance for tubes that were damaged during routine maintenance, and of course we needed a particularly high influx of power into this jurisdiction during the months of July, August and September because of the warmest summer on record in 50 years.

Maybe the leader of the official opposition has a great plan that is going to control temperatures in Ontario next July, August and September. I know what your plan is: your plan is to build a Beck 3, put it on-stream and create 650 megawatts of power, and take out 6,500 in coal-powered plants at the same time, leaving you with a net deficit of about 5,800 megawatts of power. That is your plan.

Mr Gregory S. Sorbara (Vaughan-King-Aurora): Call an election. Take it to the people.

The Speaker: Order. The member for Vaughan-King-Aurora, come to order, please. The leader of the official opposition for his final supplementary.

Mr McGuinty: Let's see if we've got this right. The Premier blames Mother Nature for our supply problems today in the province. He blames international markets. He blames Pickering, which you happen to be responsible for, sir, ultimately. At various courses during the course of the summer you blamed Ontarians for using too much electricity. I suggest to you that what you might want to do, when it comes to assigning blame for the crisis in which we find ourselves, is take a look in a mirror. One more time, Premier, you created this mess. You have put us in a serious predicament. I ask you specifically, what are you going to do to bring more supply to the province of Ontario?

Hon Mr Eves: The only person in this Legislature assigning blame is the member sitting directly opposite. He's very good at that. You see, on this side of the House, we have to deal with the real world. We don't have Tinker Bell advising us with respect to our energy policies for the future.

HYDRO DEREGULATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. May I say, it's interesting to watch Liberals and Conservatives argue back and forth about who would deregulate the most and who would privatize hydro the most.

Premier, this morning you finally admitted what everyone else in the province has known for some time: that hydro deregulation and privatization is a disaster for consumers. Your comment of, "Well, sometimes you're right and sometimes you're wrong," I think really doesn't speak to what consumers are feeling. I think your caucus members Mr Mazzilli and Mr Murdoch had it right when they said, "This is a crisis for people," because people have to pay the sky-high hydro bills. My question, Premier, is this: now that you've admitted you were wrong, will you finally do the right thing and cancel hydro deregulation and privatization?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I will give the leader of the third party this much: at least he's consistent about this issue.

Just to correct the record with respect to what was said in the scrum, what I said was, "People have to make judgment calls on the facts in front of them at the time, and there are some factors that crop up that nobody could have thought about." That is what I said in my scrum, not what he is alleging I said.

The reality is that over a period of time, we on this side of the House happen to believe that competition will be a good thing. There were several factors that intervened this summer that have resulted in a rise in electricity prices to the consumers of Ontario of about 23%, from May 1 until now. We will take steps to address that, we will take steps to address those consumers' concerns with respect to a rebate program, and we will take steps to address the intermediate and long-term supply of hydro in the province.

Mr Hampton: Premier, you talk as if suddenly you became aware of this. Were you not aware of California? Were you not aware of what happened in Alberta, that the Alberta government had to fork out over \$2 billion to try to hide the deregulation fiasco from hydro consumers in Alberta? Are you not aware that today in Montana they are actually voting to do away with hydro deregulation there? Have you ignored the advice of the Consumer Federation of America which came out a year ago saying, "Don't do this. Yes, it results in huge profits for companies like Enron, but it's a disaster for consumers"?

Where were you and your government when from all across North America the warning signs were coming over the last year that hydro deregulation is a consumer disaster? Where were you? Why weren't you listening and watching? Why wasn't your government listening to what's going on elsewhere in the world? What is your excuse?

Hon Mr Eves: This isn't the state of California; this is Ontario. We're in the country of Canada. The jurisdiction

in Ontario is capable of producing more power than it actually needs from time to time. Nobody could have predicted that OPG and Pickering would not be ready to go by now, nobody could have predicted that a tube would be damaged at Bruce while they were doing routine maintenance and nobody could have predicted the weather we've had, let alone the fact that the federal government would choose to charge GST on a debt reduction charge.

What we could do, though, is be guided by the IMO and the Ontario Energy Board, both of whom wrote letters to the then Minister of Energy on April 24 of this year saying that from an adequacy of supply point of view and a retail market point of view, the government would be quite proper and would be acting responsibly, as a matter of fact, to open the market on May 1.

Mr Hampton: Premier, you talk as if on the one hand it was just hot weather and on the other hand you couldn't have anticipated that maybe some generating stations would have to go down. But other jurisdictions were telling you that when you deregulate and privatize hydro, you create the incentives for profit-driven companies to do just that: to withdraw generation, to manipulate the market, to engage in price-fixing and gouging of consumers. All of that was on the record and your government did nothing.

I want to ask you from the perspective of the York region school board, whose hydro costs are up 40%—that's \$2.9 million—over what they were last year at this time. They can't afford those prices. They're not getting any more money out of the funding formula. Will you finally do the right thing now—you've admitted you're wrong—and cancel hydro privatization and deregulation?

Hon Mr Eves: We are going to address the issue of a rate increase. We're going to address that. We are not going to address the issue of a volume increase—if consumers make a decision to use more electricity, that is their decision—but we will compensate them for an increase in the rate.

The Speaker (Hon Gary Carr): New question, the leader of the third party.

Mr Hampton: Premier, you and the Liberals banter back and forth about, "Should it be a rebate or should it be a price cap?" I want to remind you—because your energy minister, Jim Wilson, used to remind us. He said, "Oh, don't put in place a price cap. That's what they did in California, and when they put in place a price cap the whole system melted down."

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You and the Liberals can banter back and forth about who wants to deregulate the fastest, who wants to privatize the fastest, who wants to deregulate the most and privatize the most, and who would give the most lucrative price cap or the most lucrative rebate, but the problem is deregulation. In Alberta, the price that people pay at the bottom of the bill is up. In California, the price that people pay at the bottom of the bill is up. In Montana, it's up four times over what it was before privatization.

Will you recognize that rebates and price caps are a temporary thing? They will not solve the endemic problems of hydro deregulation. That's what people want you to do. Will you end it?

Hon Mr Eves: As I said in response to the leader of the third party's initial question, at least he's consistent. He believes that during the past 50 years the old Ontario Hydro ringing up a debt of \$38 billion wasn't costing anybody anything, just like he believed that when his party took over control of the purse strings of the province, a debt that went from about \$69 billion to \$114 billion or \$115 billion wasn't hurting the average taxpayer at all either. As a result of those actions you took and the huge increase in debt of all kinds, whether it be with Ontario Hydro, whether it be with the province of Ontario, whether it be with the Workers' Compensation Board in terms of unfunded liability, today it costs the Ontario taxpayer over \$10 billion a year in interest payments alone because of the credit card you ran up.

You sat at the cabinet table, you ran up the charge, and now you're asking everybody else to pay for it. That's where your philosophy gets you in time, but of course you aren't around to answer the bell now that you have tied the Ontario taxpayer with a debt of over \$115 billion, resulting in over \$10 billion a year in interest payments alone. How are you going to pay that back?

Mr Hampton: Premier, just to give you a little recollection of history, you were the government when Darlington was built. You were the government, with help from the Liberals, when Darlington went from a \$5-billion nuclear plant to a \$15-billion nuclear plant, a \$10-billion cost overrun. That was your government, with the help of the Liberals.

You, Premier, are the one who has put almost all the money, \$2.5 billion over the last three years, back into nuclear. You're the person who's running up the hydro debt and you're the person who is forcing people across this province to not only pay that, but pay the profiteers, the commission takers and the fee takers.

Premier, this question comes from the Hamilton credit counselling centre, who point out that people just can't afford to pay their bills. Will you recognize that you can't fool people with a temporary rebate and recognize that hydro deregulation and privatization is wrong for both you and the Liberals? Cancel it now.

Hon Mr Eves: It seems to me I can recall a certain party supporting everything the Liberal Party did between 1985 and 1987, when you're talking about those Darlington expenditures that David Peterson's government thought were great and invested billions of dollars in. And I seem to recall the Bob Rae government investing \$5 billion in NUGs that don't produce one single kilowatt of energy. Why did you spend that \$5 billion and where did that go? Why don't you tell the people in the gallery that, Howard?

HYDRO RATES

Mr Dalton McGuinty (Leader of the Opposition):

A question to the Premier: Premier, the mess you've created in hydro, as I said earlier, is hitting everybody hard: families, businesses, charities and legion halls. It's also going to affect the government's funding partners. I'm wondering if you're giving that some thought. Hydro bills are hitting your funding partners like schools, universities, colleges and hospitals. These large institutions are going to be faced with enormous hydro bills they could not possibly have anticipated.

Premier, can you tell Ontario families who rely on hospitals, who rely on our schools and who rely on our colleges and universities what exactly you are going to do to make sure programs are not cut in order to pay for your failure to control hydro costs?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Now there doesn't appear to be too much difference between the leader of the official opposition and the leader of the third party in terms of controlling different costs. They both seem to think that by socialist intervention, they can control the price of just about everything in our society.

We will take care of hospitals, as we did this year with a 7.74% increase to their budget, an \$8-billion-a-year increase in health care funding in the province of Ontario, since we became the government—\$8 billion a year. If your federal cousins in Ottawa did as well, they'd be spending between \$20 billion and \$30 billion more a year on health care, and they're not. So I would ask you to use your good offices to phone your good friend Jean Chrétien and ask him where the \$20 billion a year is.

Mr McGuinty: That is quite a creative flight of fancy. How can we go from hydro bills being paid by schools in Ontario to something somehow connected with the federal government? I can understand why the Premier doesn't want to talk about hydro, but you're going to have to sooner or later.

I'm talking about institutions that are funded by the government to provide essential services: health care for our families, education for our kids. You're putting those transfer partners into an impossible situation where they're going to have to choose between keeping the lights on or keeping the programs going.

Hamilton Health Sciences centre, an institution which is struggling today—they just recently made the decision to let 250 people go—tell us that their hydro bill this year will increase by \$2.2 million. The Greater Essex County District School Board estimates their hydro bill will soar this year by more than \$500,000. Every single hospital, every single school board, every single university and college is going to be hit with extravagant increases. Parents and families want some assurance from you, Premier, as the man who created this mess, that programs won't be cut in their schools, their hospitals, their colleges or their universities. Will you guarantee that right now?

Hon Mr Eves: We will take care of our transfer partners with respect to increases in hydro rates. But I don't want the leader of the official opposition to stand in his place and leave an impression with the public out there. The Hamilton Health Sciences centre, the very centre that he talks about, this year received an increase in base funding of \$36 million, or 8.5%, bringing their annual total to \$464.6 million, and we supplied them with an additional \$2.6 million in one-time funding in this fiscal year—a far, far cry from what Elinor Caplan did when she was Minister of Health in this province. We are spending \$8 billion more a year on health care; we are \$8 billion more committed to health care in this province than you were.

Interjections.

The Speaker (Hon Gary Carr): Come to order. We've had our little fun. Come to order. We will start the clock again.

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TELEMARKETING PRACTICES

Ms Marilyn Mushinski (Scarborough Centre): My question is for the Minister of Consumer and Business Services—

Interjection.

The Speaker (Hon Gary Carr): Order. The member for Windsor West, this is her last warning. If I have to get up again, I will remove you.

You can start all over, member for Scarborough Centre.

Ms Mushinski: My question is for the Minister of Consumer and Business Services. I'm particularly concerned about telemarketers who are using Ontario as a base to scam Americans and people in other jurisdictions. Specifically, concerns have been raised about deceptive telemarketers who are peddling phony credit cards with a one-time advance fee. These scam artists look for the most—

Interjections.

The Speaker: Order.

Ms Mushinski: I wish you would stop yapping over there and listen to this very important question.

These scam artists look for the most vulnerable targets: the elderly, the poor and even working families who are struggling to make ends meet. I've also heard of scams that try and convince individuals to pay an upfront fee for an incredible loan with a really low rate, only to find out that neither the rate nor the loan ever existed. Minister, could you please tell us what this government is doing to stamp out this kind of despicable crime in our province?

Hon Tim Hudak (Minister of Consumer and Business Services): I appreciate the question from the member for Scarborough. She's right: it's a despicable crime that tends to target seniors and other vulnerable individuals and working families. Fortunately, work like Project Phonebusters is able to shut this scam down on targeting Ontarians. However, there still is an ongoing concern

about using Ontario as a base to go after Americans and other jurisdictions.

The Ernie Eves government is doing its best, in co-operation with police forces and the federal government, to turn up the heat on these so-called boiler room operations. This ministry took the lead in 2000 and set up a strategic partnership with Canadian and US law enforcement. Here are some of the results. To date we have laid 134 charges and shut down 42 of these boiler rooms. The most recent bust on October 22 shut down two boiler rooms running one of these advance fee credit loan scams. We appreciate the partnership of Phonebusters and the police forces, which have commended the ministry and this government on their work in fighting these deceptive schemes.

Ms Mushinski: Minister, I'm really pleased to hear that you're taking telephone fraud so seriously. I would argue that forming a relationship involving the three levels of government in Canada as well as with US officials is definitely the best way to go. But it has also been pointed out that penalties are much tougher in the United States. I realize that most of these cases are tried under the federal Criminal Code or other statutes they administer, but I want to know, Minister, what we can do as a province through tougher laws and tougher enforcement to protect innocent victims.

Hon Mr Hudak: The member makes a very important point. In the partnership, we decide under which set of laws to prosecute, whether it's the Criminal Code or, in some cases, the Loan Brokers Act under provincial offences.

One common scam is the advance fee loan, as was mentioned by the member, where they demand a fee upfront and never deliver on the service—illegal in the province of Ontario. In fact, Bill 180, our CP21, consumer protection in the 21st century, that is before the Legislature now, if passed, will see the fines more than double as well as increased jail terms of up to two years less a day. Basically, our CP21 legislation, which I hope to see passed by all members of this House in the near future, will help us in partnership with the federal government, police forces and our colleagues across the border in the States to continue to crack down and shut down and take the steam out of these boiler room operations.

HYDRO DEREGULATION

Mr Michael Bryant (St Paul's): My question is for the Premier. Week after week we have been standing on this side of the House calling for the government to roll out the rebate to compensate Ontarians for Herculean hydro prices. At first you and your energy minister thought that was a crazy idea; now you seem to think it's a pretty good idea. What people want to know now, Premier, is: when are you going to be rolling out the rebate and how much is the average rebate going to be?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): You're going to find that out in short order.

Mr Bryant: Don't you think you might have done this before you opened up the marketplace? Don't you think that when you were the finance minister sitting around the cabinet table you might have weighed in on how the marketplace was going to look? Don't you think that as the Premier of Ontario you had a responsibility not to open up a marketplace that wasn't ready?

You had an option, sir, to exercise leadership. You shouldn't have opened up a marketplace that wasn't ready for Ontario. You sold the consumers of Ontario a lemon, and now they're paying the price. You have lost the confidence of this province when it comes to the governance of Hydro and electricity. My question is, why didn't you do your homework before you opened up the marketplace in May?

Hon Mr Eves: The honourable member for St Paul's certainly does have a lot of enthusiasm. There's no doubt about that.

Throughout the last few months and throughout Ontario's electricity restructuring process, the Liberal Party of Ontario has been in favour of opening the market. That has been their stated position. Now, when there has been a fluctuation in prices, which we acknowledge and will take care of, they seem to be saying they're not in favour of opening the market. In a few more months, in six months, when all appears to be well, they'll be in favour of opening the market again.

I heard the member for St Paul's on a radio show the other day talking about, "Why don't we just split Ontario Hydro into four or five equal chunks and sell them to the nearest fire-sale bidder, and then we'll have equal competition?" That's your solution to the problem. No doubt your leader will have a different solution to the problem tomorrow, and the day after that you'll have another solution to the problem. But we're actually going to solve the problem.

BIOSOLID MANAGEMENT

Mr Garfield Dunlop (Simcoe North): My question today is for the Minister of the Environment. I was going to ask a question on Kyoto, but I think it was answered, so I'll ask a question on biosolids.

Constituents in my riding of Simcoe North have asked me about the storage and spreading of biosolids on agricultural land. I'm aware that the practice is approved by the Ministry of the Environment. Minister, can you explain what safeguards are in place to ensure that the spreading and storage is not harmful to the environment and to local residents as well?

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Many of the more rural members of my caucus have talked to me about this. The members from Northumberland, Peterborough, Grey-Owen Sound, Wellington—a few of them—have come to me with respect to the biosolids issue.

The current practice of using biosolids on agricultural land is protective of the environment when conducted within ministry guidelines and rules. Management of biosolids—

Mr Gregory S. Sorbara (Vaughan-King-Aurora): Everyone else is leaving too, Chris.

Hon Mr Stockwell: There's only one guy I wish would leave right now.

Management of biosolids is controlled under the Environmental Protection Act, part V. MOE controls transport and land application. Only when biosolids meet provincial requirements and standards can they be applied to land.

Currently, work is being done under the Nutrient Management Act, and MOE is also conducting a review of its land application programs. The standards being developed under the Nutrient Management Act will be consistent with Justice O'Connor's recommendation. Furthermore, there needs to be more information given to local municipalities that accept these biosolids and to the communities around them, so they know how much, when and where it's going to be applied.

Mr Dunlop: A biosolids hauling company in my riding is concerned that the new nutrient management—
Interjections.

Mr Dunlop: Isn't this unbelievable?

The Speaker (Hon Gary Carr): Come to order. Order. The yelling when the microphone is on is even worse. Come to order, please.

Mr Dunlop: As the former Minister of Energy, you know the IMO—

Interjection.

The Speaker: Last warning for the member for Toronto Centre-Rosedale. If he yells again, he's out too. I'm not just going to get down and two seconds later you're yelling. Last time.

Sorry again, member for Simcoe North.

Mr Dunlop: Minister, as the former Minister of Energy you know that the IMO changes every five minutes, just about the same number of times the Liberal Party flip-flops on this issue.

A biosolids hauling company in my riding is concerned that the new nutrient management regulations will adversely affect its business. What will the new regulations mean for small waste management businesses in my riding and across the province?

Hon Mr Stockwell: The proposed regulatory requirements will mean the haulers, which are often applicators, will need to be trained and certified. MOE and the Ministry of Agriculture and Food will be consulting on these regulations in the near future. We want to hear what regular citizens and people in the industry have to say. It's important to our government to find out what questions and concerns our stakeholders have. It's why Minister Johns and I have travelled across Ontario listening to those concerns and ideas. These standards will provide clear, environmentally protective standards that apply evenly to haulers and applicators, ensuring a level playing field.

I will say that when it comes to environmental issues and concerns, it is this government that has taken a lead on Drive Clean, on the 2005 closing of coal-fired plants, on emissions into the air and on cleaning up the environment. I'm proud of the record of this government with respect to the environment. Rather than talking about the issues, which is what the opposition parties did when they were in office, this government is taking real, sincere action that can be measurable and approved for a better environment for the people of Ontario.

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HYDRO DEREGULATION

Mr Michael Prue (Beaches-East York): My question is to the Premier. Finally, after months of defending the indefensible, many of your own colleagues are starting to listen to the thousands of people who are suffering on hydro privatization. The member for Bruce-Grey-Owen Sound says it best: if you ignore them, you ignore them at your own peril.

I have a few examples here. Sinead, who is under 30, lives in Toronto and worked so hard to start a business, said you and your government are going to bankrupt her. She asks that you call an election and she'll show you how she feels. Philip of Toronto said, "This is beyond bleeding. We are going to hemorrhage to death with privatization." Joan, a Toronto pensioner, writes, "I can't afford to pay \$333 in one lump sum—the excess wipes out my entire food allowance for the month." But Glen, who used to be a Tory supporter, says it best, "This is the most obscene decision this government has made. You have disappointed, failed and misled the exact people who are responsible for you being in the position you are in. I hope you realize when election time comes anybody and everybody who is remotely"—

The Speaker (Hon Gary Carr): Order. The member can't say that word, even though he's quoting somebody else. I ask him to withdraw it. He's got about five seconds to place the question as well.

Mr Prue: My question is, will you explain—

The Speaker: First—

Mr Prue: I withdraw the statement.

Will you explain today why you have not listened? Will you tell us today that you're going to cancel your plans for the sell-off and keep hydro in public hands?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): We are keeping hydro in public hands and we are going to respond to the concerns of not only his constituents but the constituents of every single member of this Legislature.

Mr David Christopherson (Hamilton West): Premier, that's not going to cut it. People across the province are hurting and you want to sit there and laugh. Do you know there are seniors who are having to choose between buying food and paying their hydro bills?

Interjections.

The Speaker: I am naming the member for Simcoe North and asking him to leave the chamber right now.

We're not going to put up with this. Yelling and screaming and anger are not going to be acceptable. When there is fun-loving humour and some yelling, that's fine, but we're not going to have yelling and anger like that. There will be no warning and you're out if you do it.

Mr Dunlop was escorted from the chamber.

Mr Christopherson: I say again to the government members, there's nothing to laugh about. There a lot of people across this province, in my community of Hamilton and in other communities, who are hurting. There are people who are having to choose between paying their hydro bill and buying food, between paying their hydro bill and buying necessary medicine. These choices are being put upon people because of your decisions. You made this decision. You can blame it on the weather all you want. Your decision is hurting people. I personally find it insulting that a lot of you want to sit there and laugh. There are a lot of people in this province who aren't laughing.

Premier, rebates are not going to do it. Tinkering with the legislation isn't going to do it. Passing a new regulation isn't going to do it. Cancelling your privatization and deregulation will.

Mr John Hastings (Etobicoke North): Wrong and wrong.

The Speaker: Take your seat. Order. I'm also naming the member for Etobicoke North and asking him to leave the chamber as well. I won't tolerate members sitting there making faces at me either. If I have to clear you all out, I'll do it.

Mr Hastings was escorted from the chamber.

The Speaker: Sorry, Premier, it was your turn to speak.

Hon Mr Eves: Nobody takes the plight of Ontarians, especially those on fixed incomes and seniors, lightly. We are going to come up with a solution that not only addresses the cash outlay that these people have made, and many of them, as I appreciate, are on fixed incomes, but we are going to come up with a solution that deals with the intermediate and long-term supply of energy in Ontario.

I understand that he has a disagreement in principle with the opening of a retail market with respect to hydro. Nobody said there wouldn't be the odd glitch along the way, and there has been. I just want to assure him that on this side of the House we all have constituents who relay their concerns to us. We all have seniors—I was at a seniors' home last Friday in my riding—who relay these concerns to us. We appreciate the sincerity and the severity of their concerns in some cases, and we are going to act as quickly as we possibly can to address them.

RACIAL PROFILING

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Premier. Premier, here in Ontario we enjoy the privilege of experiencing cultures from all over the globe every time we leave our home, but not

every Ontarian feels that their culture is celebrated or that they are even treated equally.

You will be familiar with a series of articles that appeared in the Toronto Star recently. Those articles served to reinforce something that every black mother in this province knows: sadly, their sons are often treated differently.

Last week a coalition of leaders from the black community sent you a letter. I thought they made a very compelling argument to the effect that the time for study was over. They're asking that you take action. Premier, I'm sure you've now had a chance to review that letter. What action will you now be taking?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): This is an issue, as the leader of the official opposition points out, that I think a lot of Ontarians take very seriously, and certainly we do on this side of the House. Not only is it imperative to make sure that there is no such thing as racial profiling that goes on in this jurisdiction, or in this country for that matter, but it's also important to get home the point that it doesn't even appear to be going on, let alone going on.

I have consulted with various people in the black community and I will continue to do that. I was talking to the Honourable Lincoln Alexander just the other day. We do want to respond in a positive way to the concerns being raised by many in the black community, to make sure they can feel that there is no such special treatment, if you want to put it that way, of black youth in this province.

But I do want to say that the Toronto Police Services, I think, have an excellent reputation for dispensing justice in the largest cosmopolitan urban centre in the world. I can't think of any other city in the world that has the cultural diversity this city does and responds so well to it.

Mr McGuinty: Premier, I hope you appreciate that we have been studying this issue in one form or another since 1977. That's some 25 years. What we need now are some concrete steps that are going to restore confidence in our citizens and in our police.

I'm sure you can understand the frustration felt by members of the black community who see this come into fashion at different points in time. Then it disappears, and studies are collected and they gather dust on a shelf somewhere. We need to take those studies and turn them into action. My colleague Alvin Curling has called for an implementation task force to put those studies into effect. Premier, will you take this action so we can start addressing a very serious issue in a very serious way?

Hon Mr Eves: As I said to the leader of the official opposition in my initial response, I indicated right off the bat that I am prepared to—the very day they had their press conference here at Queen's Park I happened to be at the Royal York, speaking at the Terry Fox Foundation annual luncheon. I said immediately that I would be happy to sit down and meet with the leaders of the black community to see if we can't come to some agreement as to how we proceed from here to address the very concerns he has made.

CHATSWORTH FISH HATCHERY

Mr Bill Murdoch (Bruce-Grey-Owen Sound): My question is to the Minister of Natural Resources. Last week the Minister of Natural Resources was in my area—and I certainly appreciate that—and opened up a new fish hatchery which is state of the art. I understand it's probably one of the best fish hatcheries in Ontario. It has one of the best springs in Ontario.

I would like the minister to explain to the House some of the money that was spent there. Would he be interested in having a visitors' centre there so we could show the rest of the people of Ontario, not only the ones in Bruce and Grey but those all over Ontario, what a beautiful spot it is and what a great asset it is to our area?

Hon Jerry J. Ouellette (Minister of Natural Resources): I thank the member for the question. Yes, last Friday we opened a new hatchery in Chatsworth and I was very proud to be there. Something must have frozen over because I made it through the snowstorms and everything else. I wouldn't miss the member's opening up there.

It's 46,000 square feet and it cost about \$6.5 million. We're increasing the number of fish that are being produced there. Up to 2.8 million fish will be released annually in Ontario, and I think that's good news for natural resources here in the province.

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Mr Murdoch: As the minister knows, we did have some difficulty with some of the bureaucrats who work in his ministry. They just didn't seem to want the people of Ontario to see this spot. They have difficulty showing us. I would like to ask the minister if he's prepared to put some private discipline into this fish hatchery, or at least some partnerships with some of the sporting clubs in the area.

Hon Mr Ouellette: As I mentioned earlier, it was definitely a pleasure to be there, and I know the member is very active. We have a commonality in that youth programs are a strong initiative. I know and I expect that we will be seeing tours in that facility in the very near future. As well, we are always open to partnerships and bringing in relationships with other clubs—the clubs that were in attendance there, the Sydenham club or the Bruce Trail groups. We're always more than happy to sit down and discuss how we can best benefit natural resources in the province of Ontario.

SLOT MACHINES

Mr Monte Kwinter (York Centre): I have a question for the Premier. Last week, on Thursday, October 31, 2002, Mr Flaherty revealed that the decision to allot up to 800 slot machines to Picov Downs under certain conditions was made in December 2001. However, in a letter to Mr Norm Picov dated April 10, 2002, Minister Tim Hudak stated that in December, cabinet directed the Ontario Lottery and Gaming Corp to complete a business case for slots at Picov Downs and Quinte Exhibition

Raceway. Mr Hudak goes on to state that in March, four months later, cabinet reviewed and approved the business case as part of the provincial gaming strategy. It is clear from a leaked cabinet document, as revealed by Susanna Kelley of TVO's Fourth Reading, that the decision to allocate up to 800 slot machines under certain conditions was made on March 6, 2002. Premier, your Attorney General, in several responses to me, stated that no decision has been made and that one of several options being considered is not providing any slot machines to Picov Downs. Could you tell us which of these positions is the correct one?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): It is my understanding that a decision was made with respect to Picov Downs but that the decision that was made, as he pointed out, said up to a certain number of machines. There are certain protocols, procedures and processes that one normally goes through. As he would know, 15 of 18 licensed tracks in Ontario have licensed slot machines today. There are three, of which I believe Picov Downs is one, that do not. With respect to that, it's my understanding that the Ontario Racing Commission, which is a totally independent body, as I'm sure he is more than aware, has their input, and the Ontario Lottery and Gaming Corp has their input. That has been the way these decisions have been arrived at for every one of the other 15. I'm sure that's the same process that Picov Downs or for that matter any other track that doesn't have licensed machines but is a licensed track will have to go through.

Mr Kwinter: Premier, if I understand you correctly, you've just confirmed that the decision has been made, subject to certain conditions. If that is the case, then your Attorney General is wrong, because he keeps saying that no decision has been made. The other question I'd like to ask you is that there are two other dates that have been put on the record, one by Mr Flaherty saying the decision was made in December and another by Minister Hudak that says it wasn't done until four months later, in March. Could you please confirm today on what date that decision was made?

Hon Mr Eves: I don't believe that's what the Attorney General is saying at all. I believe what he is saying—and unfortunately he's not here today to respond himself—is that “up to 800” means that. There's a big range between zero and 800, and the number, according to the advice we receive from the Ontario Racing Commission and the Ontario Lottery and Gaming Corp, could be zero or it could be 799.

AGRICULTURAL EMPLOYMENT LEGISLATION

Mr John O'Toole (Durham): My question is to the Minister of Agriculture, Food and Rural Affairs. I know you have introduced, and we have debated here in the House, legislation that is an important part of protecting agricultural workers in this province. My thoughts immediately go out to my constituents in the riding of

Durham and I think of Price's fruit and vegetable market and Pingle's fruit and vegetable market, and of course other agricultural business. I and a number of my colleagues have discussed this proposed legislation with family farms across our ridings, and there is no question that the agricultural sector supports our approach.

Minister, could you inform this Legislature of the consultations your ministry has conducted on this important legislative initiative and what you've heard during those meetings?

Hon Helen Johns (Minister of Agriculture and Food): I'd like to thank the member from Durham for the question and thank him for his involvement with his agricultural community, which he has been doing all summer long.

Subsequent to the Supreme Court of Canada decision, our ministry has consulted widely on the legislation that's before the House. We talked to the labour issues coordinating committee, which is a coalition of farm groups all across the province. We talked to the United Food and Commercial Workers. In addition, we had public meetings in Vineland, Kemptville and Leamington during September of this year.

The farm community is very supportive of the proposed legislation. They understand that there are constitutional requirements to provide workers a framework with which to approach their employers about workplace issues, and this bill provides the opportunity for them to be able to do that. This bill is a balanced approach where the agricultural employees are treated in a consistent manner. However, it is also important to ensure that the farmers of the province are not vulnerable to risks of labour dispute.

Mr O'Toole: Thank you very much for that informative answer, Minister. I also want to compliment you on the passion and hard work that you bring to your ministry.

Minister, we know the farm community's position; you've just outlined that. Our government's position is very clear and it's clear that the NDP has a position staked out on this. But what's puzzling to me is, what is the opposition Liberals' position on this important issue to rural Ontario? It seems, like everything, they're on both sides of the picket fence. Minister, could you explain what the Liberals are doing on this proposed bill?

Hon Mrs Johns: To the honourable member, you are quite correct; the Liberal stance is quite confusing. I recall that on first reading the Liberals abstained from the vote because, as they said at the time, they hadn't sufficient information to be able to make a decision.

But as I said earlier, we had consulted quite extensively with stakeholders before the introduction of the bill, and some of those stakeholders had spoken to the Liberals. So it was surprising. Furthermore, last week as we were working on the second reading debate, the Liberals again seemed to want to derail the legislation and they asked for adjournment of the debate on second reading, which was very surprising because of course the farm community wants this bill passed.

They then voted against a time allocation motion, when the farming community had once again asked them to move forward because it is very important to the community that we get this finished before June—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

HYDRO DEREGULATION

Mr Tony Martin (Sault Ste Marie): My question is for the Premier. Premier, day by day the pressure is growing on you to stop the hydro sell-off. Bribing people with their own money isn't going to convince anyone that your scheme is good for consumers. All over the north people are suffering real financial pain because of hydro privatization. Ann and Morley warn you not to fall into the deceptive trap of privatization and deregulation of our hydro power.

All across the world they say it is being demonstrated what a mistake that is. Even now, in our own town of Wawa we have an advanced warning of just where that leads. That's Wawa, where the private company you sold to drained a lake to maximize its profits this summer and where everyone is paying more for hydro.

How many more thousands of citizens do you need to hear from before you call a halt to this silly idea of yours to sell off the people's hydro and deregulate hydro prices?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I will say this for the NDP members: at least they are very consistent on this issue. Despite what the answer is to any question that we have given in the House, they have their scripted questions and, come hell or high water, they're going to ask them.

I think I have addressed the concerns raised by the honourable member in response to the leader of the third party and in response to some of his colleagues in question period today.

First of all, nothing is being privatized in hydro. You preface every one of your questions with "privatization of hydro." What did happen of course is that the market was opened on May 1. That is not privatization; that is opening the market for competition so that other players besides Ontario Power Generation can compete with respect to generation of power in the province.

1450

The Speaker (Hon Gary Carr): The Premier's time is up.

Mr Gilles Bisson (Timmins-James Bay): To the Premier for the supplementary: The people who have to get off their script, quite frankly, are you on your whole script of privatization and deregulation, because what's clear is that people across this province are waking up to their hydro bills. Once they open up the envelope, they're looking at it and falling to the floor.

I've got a number of examples here from people from my constituency, people from Kapuskasing. Morris, who sent me a copy of his hydro bill from September of last year, quotes his hydro bill as being \$103.74 for

September 2001. Guess how much his hydro bill is for September 2002? It's \$322.59.

If anybody's got to get off the script, Premier, it's you, your Minister of Energy and your entire government. When are you going to cancel privatization? When are you going to get off the deregulation kick and allow people to get back to some sanity when it comes to their hydro bills?

Hon Mr Eves: We are going to respond to the concerns from Ontarians with respect to their electricity rate increase, but we are also going to try to lay out a plan with respect to the intermediate and long-term supply of energy in Ontario.

To the honourable member and the members of his caucus: I don't hear them, when they stand up and ask this question, explain how they spent \$5 billion on NUGs that don't produce one kilowatt of power. Why did you do that? Why did you raise the debt in the province from \$60 billion to \$114 billion, \$115 billion or \$116 billion? Why do you think it's more important to spend over \$10 billion a year on interest payments instead of spending it on the very people you claim to be concerned about?

SLOT MACHINES

Mr Monte Kwinter (York Centre): I'd like to go back to the Premier. The information that I want and haven't got from you as yet is this. We now have two options. Mr Flaherty stated last Thursday, October 31, 2002, that the decision to give Picov Downs up to 800 slot machines, under certain conditions, was made in December 2001. Mr Hudak, the Minister of Tourism, sent a letter to Mr Picov on April 10, saying the decision was made March 6. We have December 2001 and March 6, 2002. On which date was that decision made?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I don't believe that is exactly accurately what those two individuals said. I think the combination of those meetings in December and March led to the result, but the result is going to be determined by independent bodies, as it should be: by the Ontario Racing Commission and the Ontario Lottery and Gaming Corp. They are independent bodies, and they will come forward with the recommendation to the government, and the number will be somewhere between zero and 800. He will have to wait until they have finished their deliberations to give him the actual answer as to how many machines, if any, Picov Downs will be allowed.

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Speaker: You know that this afternoon, unfortunately, Mr Garfield Dunlop was ejected from the House. I don't want to get into the reasons why, but the point of order I want to make is this: we're supposed to be at the estimates committee this afternoon doing the estimates for the Ministry of Intergovernmental Affairs. Mr Garfield Dunlop is the parliamentary assistant, along with Mr Raminder Gill. Does that now mean we can have Mr Gill represent the estimates on behalf of Mr Dunlop, who can't be there?

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On the same point of order, Mr Speaker: That's something we'll worry about.

The Speaker (Hon Gary Carr): Mr Dunlop cannot go in there, unfortunately. He won't be able to be in the committee.

VISITORS

Mr Cameron Jackson (Burlington): On a point of order, Speaker: It's my distinct pleasure to welcome another Lauren as a page in the House. Lauren Wilson from Burlington is here with her father, Rick Wilson; her mother, Susan Montgomery; her sister Catherine; and her best friend, Marla Patterson, from John T. Tuck school. I know everyone in the House would like to welcome the Wilson family.

PETITIONS

HYDRO RATES

The Speaker (Hon Gary Carr): It's time for petitions, and we'll start with the member for St Catharines.

Mr James J. Bradley (St Catharines): Thank you, Mr Speaker. I will tell your mother you've been kind to me this week.

This is to the Legislative Assembly of Ontario:

"Whereas electricity bills have skyrocketed under the Harris-Eves government's flawed electricity plan; and

"Whereas some consumers have signed higher fixed-rate contracts with retailers, without adequate consumer protection; and

"Whereas the Harris-Eves government has failed to address electricity supply shortages in Ontario, forcing the purchase of American power at premium prices, driving up prices still further; and

"Whereas the Harris-Eves government appointed a board of directors for Hydro One that has been paying themselves extravagant salaries, compensation packages and severances for senior executives; and

"Whereas Hydro One bought 90 municipal utilities, serving about 240,000 people across Ontario, at premium prices and with borrowed funds. These purchases with borrowed funds have increased Ontario's debt burden; and

"Whereas the Harris-Eves government has added additional fees and taxes on to local electricity distribution companies. These charges have also been passed along to consumers;

"Therefore be it resolved that we, the undersigned, demand that the Harris-Eves government take immediate action to ensure that Ontarians have fair and reasonable prices for the necessary commodity of electricity in Ontario, and that the Harris-Eves government and its leader, Premier Ernie Eves, call an election on the

instability of the energy market so that Ontarians may have a voice on this issue.”

I affix my signature.

COMPETITIVE ELECTRICITY MARKET

Mr David Christopherson (Hamilton West): A petition to the Legislative Assembly of Ontario:

“Whereas the Harris government’s plan to privatize and deregulate Ontario’s electricity system will lead to higher rates because private owners will sell more power to US customers, whose rates are typically 50% higher than Ontario’s; and

“Whereas selling coal plants like Nanticoke to the private sector will lead to more pollution because the private owners will run the plants at full capacity to earn maximum profit; and

“Whereas electricity deregulation in California has led to sky-high rates and blackouts; and

“Whereas Ontario needs a system of public power that will ensure rate stability, environmental protection and secure access to power;

“Therefore, be it resolved that the undersigned call on the government to scrap electricity deregulation and privatization and bring in a system of accountable public power. The first priority for such a public power system must be incentives for energy conservation and green power. Electricity rates and major energy projects must be subject to full public hearings and binding rulings by a public regulator instead of leaving energy rates to private profit.”

On behalf of my constituents, I add my name to this petition.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This petition is to the Legislative Assembly of Ontario and it concerns the multi-laning of Highway 69 between Sudbury and Parry Sound. It is part of the 28,000-name petition I have.

“Whereas modern highways are economic lifelines for the north; and

“Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

“Whereas the carnage on Highway 69 has been staggering; and

“Whereas in the last three years, 46 people have lost their lives needlessly along that stretch of highway; and

“Whereas so far this year 10 people have died between Sudbury and Parry Sound on that stretch of dangerous highway; and

“Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

“Whereas immediate action is needed to prevent more needless loss of life; and

“Whereas it is the responsibility of any government to provide safe roads for its citizens, and the Eves government has failed to do so;

“Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease.”

I of course affix my signature and give it to Hin-Hey, our page, to bring to the table.

1500

ADOPTION DISCLOSURE

Ms Marilyn Churley (Toronto-Danforth): November is Adoption Awareness Month and I have many petitions calling on the government to pass Bill 77. This petition reads:

“To the Legislative Assembly of Ontario:

“Whereas in Ontario adopted adults are denied a right available to all non-adoptees, that is, the unrestricted right to identifying information concerning their family of origin;

“Whereas Canada has ratified standards of civil and human rights in the Charter of Rights and Freedoms, the UN Declaration of Human Rights and the UN Convention on the Rights of the Child;

“Whereas these rights are denied to persons affected by the secrecy provisions in the adoption sections of the Child and Family Services Act and other acts of the province of Ontario;

“Whereas research in other jurisdictions has demonstrated that disclosure does not cause harm, that access to such information is beneficial to adult adoptees, adoptive parents and birth parents, and that birth parents rarely requested or were promised anonymity;

“We, the undersigned, petition the Legislature of Ontario to enact revision of the Child and Family Services Act and other acts to permit adult adoptees unrestricted access to full personal identifying birth information; permit birth parents, grandparents and siblings access to the adopted person’s amended birth certificate when the adopted person reaches age 18; permit adoptive parents unrestricted access to identifying birth information of their minor children; allow adopted persons and birth relatives to file a contact veto restricting contact by the searching party; replace mandatory reunion counselling with optional counselling.”

Of course I will affix my signature to this petition.

SERVICES DE SANTÉ POUR ENFANTS

CHILDREN’S HEALTH SERVICES

M^{me} Claudette Boyer (Ottawa-Vanier): « À l’Assemblée législative de l’Ontario :

« Attendu que le gouvernement planifie la fermeture du service de chirurgie cardiaque à l’hôpital pour enfants de l’est de l’Ontario;

"Whereas the Conservative government plans to centralize all cardiac services for children in Toronto;

« Attendu que la chirurgie cardiaque est un service essentiel pour les enfants de l'est de l'Ontario et pour les enfants francophones de toute la province;

"Whereas the lives of children may be at risk if forced to travel to Toronto for cardiac care;

« Attendu que les enfants et leur famille se verront imposer des dépenses et des soucis inutiles s'ils doivent se rendre à Toronto pour obtenir des services cardiaques;

"We, the undersigned, petition the Ontario Legislature to demand that the Conservative government halt immediately its decision to close cardiac surgery services at the Children's Hospital of Eastern Ontario in Ottawa."

J'y appose ma signature avec fierté.

COMPETITIVE ELECTRICITY MARKET

Mr Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas the Ernie Eves Conservative government has legislated the opening of the Ontario electricity market as of May 1, 2002, and the price per kilowatt hour for electricity in the province of Ontario has nearly quadrupled since May 1; and

"Whereas the Conservative government of Ontario has done very little to address key issues such as energy supply, which forces the province to import power and causes the price of electricity to skyrocket; and

"Whereas Ernie Eves has done a poor job in educating the public as to the ramifications of an open energy market in the province of Ontario and has done little to punish the unscrupulous sales practices of door-to-door energy retailers; and

"Whereas the government of Ontario has saddled the population of Ontario with additional debt reduction charges, which further increases the amount that the citizens of Ontario have to pay per kilowatt hour, yet the Hydro debt continues to increase; and

"Whereas the Mike Harris-Ernie Eves government appointed the board of directors of Hydro One, who approved exorbitant salaries and compensation packages for Hydro One executives;

"Be it resolved that the Ontario government move immediately to protect our province's electricity consumers by addressing the serious generation problem in Ontario, by punishing unscrupulous electricity retailers and by moving forward with a rebate to offset the increasing costs of electricity in Ontario."

This is signed by a number of residents from Blenheim, Charing Cross, Chatham and Morpeth. I too have signed this petition.

CHILD CARE

Ms Shelley Martel (Nickel Belt): I have petitions that have been sent to me by Mulberry school in Kingston, Norah Love Children's Centre in Sioux Lookout, CUPE

Local 1764 in Durham region, and Last Tango Productions in Toronto. The petition reads as follows:

"Whereas 70% of Ontario women with children under the age of 12 are in the paid workforce;

"Whereas high-quality, safe, affordable child care is critical to them and their families;

"Whereas the Early Years Study done for the Conservative government by Dr Fraser Mustard and the Honourable Margaret McCain concluded quality child care enhances early childhood development;

"Whereas this government has cut funding for regulated child care instead of supporting Ontario families by investing in early learning and care;

"Therefore, be it resolved that the Ontario government adopt the NDP's \$10-a-day child care plan and begin implementation by reducing full child care fees to \$10 a day for children aged two to five currently enrolled in regulated child care by providing capital funds to expand existing child care centres and build new ones, by funding pay equity for staff and by creating new \$10-a-day child care spaces in the province."

I agree with the petitioners and I affix my name to this.

DÉRÈGLEMENTATION DE L'ÉLECTRICITÉ

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell): J'ai une pétition de 739 noms. Maintenant nous avons atteint 3 000 signatures et il y a des milliers d'autres à venir.

« À l'Assemblée législative de l'Ontario:

« Attendu que le gouvernement Harris-Eves a déréglementé le marché de l'électricité ontarien le 1^{er} mai 2002 sans que cela ait fait partie de ses programmes de 1995 ou 1999 et sans mandat de la population de l'Ontario;

« Attendu que le prix de l'électricité a atteint des niveaux outrageux, augmentant parfois de 100 % depuis le 1^{er} mai 2002 et causant de graves difficultés financières aux Ontariens et Ontariennes;

« Attendu qu'Ontario Power Generation (qui appartient au gouvernement de l'Ontario) a demandé à la Commission de l'énergie de l'Ontario la permission de réduire de 20 % le rabais promis aux Ontariens et Ontariennes si le prix de l'électricité dépassait les 3,8 cents le kilowattheure...;

« Attendu que le gouvernement Harris-Eves a autorisé le versement de salaires et primes exorbitants de l'ordre de 2,2 \$ millions par année à l'ancienne présidente de Hydro One et au-delà de 1,6 \$ millions par année au vice-président d'Ontario Power Generation;

« Nous, soussignés, demandons au gouvernement Harris-Eves de prendre des mesures immédiates pour faire en sorte que les Ontariens et Ontariennes payent ce service essentiel qu'est l'électricité à un juste prix et demandons également que le gouvernement conservateur et son chef, Ernie Eves, déclenchent une élection générale sur l'instabilité du marché de l'énergie pour

ainsi donner aux Ontariens et Ontariennes la parole à ce sujet. »

J'y ajoute ma signature.

COMPETITIVE ELECTRICITY MARKET

Ms Shelley Martel (Nickel Belt): I have another petition that reads as follows:

“To the Ontario Legislature:

“Whereas the Harris government’s plan to privatize and deregulate Ontario’s electricity system will lead to higher rates because private owners will sell more power to US customers whose rates are typically 50% higher than Ontario’s; and

“Whereas selling coal plants like Nanticoke to the private sector will lead to more pollution because the private owners will run the plants at full capacity to earn a profit; and

“Whereas electricity deregulation in California has led to sky-high rates and blackouts; and

“Whereas Ontario needs a system of public power that will ensure rate stability, environmental protection and secure access to power;

“Therefore, be it resolved that we, the undersigned, call on the government to scrap electricity deregulation and privatization and bring in a system of accountable public power. The first priority for such a public power system must be incentives for energy conservation and green power. Electricity rates and major energy projects must be subject to full public hearings and binding rulings by a public regulator instead of leaving energy rates to private profit.”

I agree with the petitioners and I’ve signed my name to this petition.

CHILDREN’S HEALTH SERVICES

Mr Richard Patten (Ottawa Centre): I have close to 1,000 signatures out of over 120,000 submissions from people from the Ottawa area. It has to do with the children’s hospital, and it says:

“Whereas the Ontario government is shutting down the heart surgery unit at the Children’s Hospital of Eastern Ontario; and

“Whereas the closure of this program will restrict the accessibility” for children facing surgery; and

“Whereas every year CHEO treats 140 cases of seriously ill children close to home; and

“Whereas centralization of children’s heart surgery in Toronto would force patients and their families to travel 400 to 600 kilometres away from home....

“We, the undersigned, petition the Legislative Assembly of Ontario to immediately override the government’s decision to close this life-saving program and to ensure that top-quality accessible health care remains available to every child in eastern Ontario.”

I affix my signature to this petition as well.

LONG-TERM CARE

Ms Shelley Martel (Nickel Belt): The petition reads as follows:

“Whereas the Conservative government increased fees paid by Ontario seniors and other vulnerable people living in long-term-care facilities by 15%, instead of providing adequate government funding for long-term care; and

“Whereas the Conservative government has therefore shifted the cost of long-term care on to the backs of the frail elderly and their families; and

“Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

“Whereas in 1996 Ontario abandoned its minimum requirement of 2.25 hours of nursing care per nursing home resident; and

“Whereas the Ontario government’s own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

“Whereas, according to the government’s own study, government cutbacks have resulted in Ontario seniors receiving just 14 minutes a day of care from a registered nurse ... ; and

“Whereas the report also found that Ontario residents receive the least nursing, bathing and general care of nine other comparable locations;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“We demand the Conservative government eliminate the 15% fee increase for residents in long-term-care facilities, increase the number of nursing care hours for each resident to a minimum of 3.5 hours per day, and provide stable, increased funding to ensure quality care is there for Ontario residents in long-term-care facilities.”

I agree with the petitioners. I’ve signed my name to this.

1510

ORDERS OF THE DAY

TIME ALLOCATION

Hon Doug Galt (Minister without Portfolio): I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 148, An Act to provide for declarations of death in certain circumstances and to amend the Emergency Plans Act, when Bill 148 is next called as a government order, the Speaker shall put every question necessary to dispose of the third reading stage of the bill without further debate or amendment; and

That the vote on third reading may, pursuant to standing order 28(h), be deferred until the next sessional day during the routine proceeding “Deferred Votes”; and

That in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Speaker (Hon Gary Carr): Just before the member begins, and it apparently does need to be the member too, I wanted to make some announcements.

Pursuant to standing order 37(a), the member for Davenport has given notice of his dissatisfaction with the answer to his question given yesterday by the Minister of Health concerning foreign-trained doctors. The matter will be debated today at 6 o'clock.

Pursuant to standing order 37(a), the member for York Centre has given notice of his dissatisfaction with the answer to his question given by the Premier concerning Picov Downs. Again, this matter will be debated today at 6 pm.

Further debate? The chief government whip.

Hon Mr Galt: I'm concerned about Bill 148 as an important piece of legislation, and it certainly gives me a lot of pleasure to be able to speak on this particular bill that's so important to the government and to our emergency services workers.

I'd like to take a few minutes to address some parts of the legislation that unfortunately can affect Ontarians even in times of peace. I'm of course referring to the loss of loved ones where, for whatever reason, there is no absolute proof of death or a person disappears and is presumed dead but no body is ever recovered. Boating accidents and plane crashes are just two good examples of this.

Prior to our government's introducing Bill 148, the surviving family members were required to go through a long, painful and often frustrating process, making individual applications for declarations of death with insurance companies, probating a will, with pension plan administrators, with the courts for purposes of marriage and a host of other situations.

I'm pleased to say that Bill 148 provides a new process for obtaining a court order declaring that a person is dead in circumstances where no physical evidence is available, but it is reasonable to presume death. It streamlines this process by enabling the person or persons seeking a declaration of death to make one, single application that will cover all these circumstances.

The new legislation will allow the courts to make an order declaring that an individual has died if the court is satisfied that the individual has disappeared in circumstances of peril or, in the absence of a specific peril, that the person has been missing for at least seven years. In order to obtain a declaration, the applicant must also show that the individual hasn't been heard from since the disappearance, that no other person has heard from the individual since the disappearance, that there's no reason to believe the individual is still alive and there is sufficient evidence to find that the individual is in fact dead.

This legislation will lighten the hardship families and other survivors frequently experience when a loved one disappears under unusual circumstances.

Before, they were severely restricted in their ability to go about their daily lives due to the fact that joint assets, for example, were frozen in the event the person was later discovered to still be alive. This legislation can never eliminate the hurt associated with losing a loved one under unusual circumstances, but it can and does make it easier for the survivors to deal with the reality that the person won't be found alive. It enables family members to make a single application for a declaration of death so they can get on with their lives.

There is a second important component to this legislation that I'd like to discuss here today. If necessary in times of emergency, the Attorney General can recommend to the Lieutenant Governor that provisions in certain statutes, regulations, rules, bylaws or orders of the government of Ontario be suspended temporarily by an order in council. It is important to note that this power is limited and applies only to legislation that establishes a limitation period, provides for a benefit or compensation payable as a result of the emergency or requires a payment of fees in respect of court proceedings or in connection with anything done in the administration of justice.

Bill 148 would have been a big help, for example, during the ice storm in eastern Ontario that occurred in 1998.

In addition, the power can only be used if, in the opinion of the Lieutenant Governor in Council, temporarily suspending the operation of the provision would facilitate providing assistance to victims of the emergency or would otherwise help victims and other members of the public to deal with the emergency and its aftermath. This aspect of the legislation is meant to be temporary and has a maximum time frame of 90 days from the time it is enacted.

In addition, the Ministry of the Attorney General is providing help to victims of crime and their families; dedicating a specialized crown attorney to provide expert advice on terrorism; committing to vigorously prosecute the perpetrators of terrorism related to hoaxes to the full extent of the current law; calling on the federal government to enact a new Criminal Code offence to specifically deal with the terrorist hoax; and introducing legislation that will improve the security of vital statistics documents and protect Ontario citizens' birth certificates and other important documents.

Thank you very much for the opportunity to make a short presentation on the time allocation motion on Bill 148.

Mr Dave Levac (Brant): I appreciate the opportunity to once again talk about 148, but I want to bring a couple of things to the attention of the House first as a reminder.

This is a time allocation motion. I want to let people know that in this session, as of May 2002 to now, there have been 18 bills that were sent to time allocation situations out of 36 that were introduced. So 50% of all the bills we've had in this House have been time-allocated.

As the member indicated in his first remarks, this is an important piece of legislation and I would assume that

anyone who was interested in creating the best possible legislation would want this debated fully, to ensure that all of the points are brought up. A little later on I'm going to go over and review with you some of the things that have been suggested that have yet to be acted upon by this government in terms of this particular bill.

On the government side, I would grant that some of these pieces of legislation may not necessarily have needed to be debated as fully and as deeply as possible because they were a little bit on the straightforward and simple side. But 18 out of the 36 pieces of legislation, 50%, needed time allocation? I think not. I think this was more, "We're going to shoot for a record here to see how many times we can do that."

I would also point out to the House that I looked back at some of the records. I did a little bit of homework and digging. In the 32nd Parliament of Davis-Miller, from March 1981 to 1985, how many times was time allocation used? Three times. And how many government bills were passed? Some 292. So time allocation was used only three times, out of 292 bills. I think people need to know this in here.

I will get to 148, Speaker, because there are some ideas I floated earlier and I think we may hear rumblings that the ministry might get into talking about them because they realize they are good. But we're stuck with time allocation and unfortunately we can't really digest those ideas that are necessary.

1520

The 33rd Parliament, the Peterson minority government, from 1985 to 1987: how many times was time allocation used? Once. How many pieces of legislation? There were 129. The Peterson majority government from 1987 to 1990: three time allocation motions. How many pieces of legislation? There were 183. We're talking about a very small percentage, like point something per cent, of legislation that needed to go to time allocation.

What are we talking about? In this session alone, 18 out of 36—50% of all our legislation—going to time allocation. I say it's time for us to take a good, hard look at what the agenda is. What's the agenda on that side? Is the agenda to say, "We passed legislation and got it done, because we had a busy"—or did we pass the best possible legislation for the people of Ontario?

We're now finding that amendments are being offered on this bill by that side. Amendments were offered by both the opposition parties, and some of them got acted upon and some got defeated. But here we go again. I want to remind the constituents out there. What happened in the year we started to do that tax law stuff? How many different bills had to be introduced? Eight different bills had to be introduced on the municipal tax laws to get it right. Time after time they kept messing it up. They didn't take the time.

Now we've got an example of 18 out of 36 times where we're using time allocation. It could be devoted to honest-to-goodness debate, understanding, more information to make good legislation. That's the part I'm disappointed in about this.

Will we be supporting the bill? Of course we support the bill because of what it's trying to do. I want to refer to the presentation of the Ontario Professional Fire Fighters Association. They made it quite clear that in Bill 148 they like the direction the government is going in, but they would make sure that all stakeholders, as referred to by Minister Turnbull when this was first introduced—it's now Minister Runciman—would be involved in the formulation of those emergency plans and that the legislation would be made such that participation was mandatory, not that you're going to ask those people to say, "What do you think? You want your two cents in?" Get them to the table, because regulations are as important as the legislation itself, and we have to make sure that's protected.

I've got a litany of things I could go over, but I'm going to make sure that some of the things we've referred to on this side of the House are brought to the attention of the government on that side. We ask that we reconvene the Legislature's all-party committee on terrorism. That was done back in the 1980s. As we know, a lot of the response that has taken place in Bill 148 has to do with responding to September 11. Because of September 11, a lot of the responses in this bill are to basically make things a little easier and more convenient.

Let me speak to that. In 1980 a select committee on the Ombudsman prepared a report on the ways in which the assembly may act and have its voice heard against political killings, imprisonment, torture, terror and terrorism. In 1989—nothing's been done since that point. We had the introduction in 1980; nothing's been done since 1989. Dalton McGuinty went on record quickly after September 11 and said, "We've got to reconvene this all-party committee that the Ombudsman suggested in order to put it back together." It was scoffed at by members on that side. All of a sudden I'm hearing good things: "Do you know what? It wasn't such a bad idea." This is the last time we have an opportunity to put it to the table. This is the last time we have an opportunity to make sure we're doing the right thing.

I'm disappointed it took this long for them to acknowledge that an idea came from this side and it was an improvement to the legislation, not an embarrassment but an improvement, to ensure we get it right the first time.

The other thing we asked was for all the mayors to review their emergency plans and to make sure we had that. Then what happens? We have a report that immediately comes out after that fact. It's interesting to point this out. We find out in a report that after the ice storm in eastern Ontario and Quebec we weren't prepared. The report came out and said we weren't prepared. Did any action get taken after that? Absolutely not.

Let me talk to you for just a moment of the problem I pointed out—I was hoping it would get addressed and it wasn't—that we had people understanding that the municipalities said that 91% of our municipalities already had an emergency plan. But this is what's going to disturb people: 72% of the municipalities had not con-

ducted the exercises in over a year to evaluate whether those plans would be successful.

We've got 91%, and I know that in actual fact that's grown since this report was done, so we are talking about over 95% of our municipalities now having that emergency readiness plan in place, but unfortunately and sadly, 72% have not even practised them. It makes no sense to have a plan that's not going to be enforced, that's not going to be practised, that's not going to be put to use in order for us to do that. Why do I say that?

I say that as a principal on leave from education. Inside my 23-year career, 12 years as a principal, I had the responsibility of doing fire drills. We had to do three a year. Inside of that, we practised them over and over again, not to be tested, but we had to do them. If the fire marshal or an official came to your school and they said, "Do a drill," you didn't have any preparation. You simply had to do the drill, cross your fingers and hope that all that practice came into being. I referred to this once before in my leadoff on 148 and I refer to it again. The schools that I am aware of across the province all have done fire drills and practised. When they do go through these practices, the people who are doing the investigation, whether they be from the fire marshal's office or the local fire department or the emergency measures department inside a municipality, tell us that schools do an exceptionally good job of doing their evacuation process and their emergency response. Why? Because they practise over and over again. Quite frankly, it costs teaching time, it costs time on task for the kids to learn, but tell me that it's not the most important number one priority that a school principal or a teacher or parents or anybody else wants: the safety and security of their children. That comes first.

Once we have this practice done, we know that when that bell goes off, those kids are out of there. Most times it's under a minute, or between a minute and two minutes. Each time you practise it, the idea is to shoot for a better time in getting out safely and securely. Sometimes they throw a little curve at you. Sometimes the police or fire marshal's office or whoever is doing that testing will come and put a rod in one of the exits, because you're supposed to have two exits, or an alternate route. That's happened. In particular, it happened to me, as a principal. They put a rod inside the door and it was blocked off. The kids couldn't go through, and they automatically turned around and went down to the other exit. They knew exactly what to do because we practised.

I look over at our pages, and I know they've gone through it over and over again. They've done fire drills. Sometimes they do it to you in the middle of winter, don't they? You sometimes even have to go outside without your coats, because it's the rule and you do it.

Let's go back to 148. The very premise I'm talking about is practice. So what are the municipalities saying? What are the firefighters saying? What are other groups saying? Well, you know what? It's pretty easy to set those standards, but the municipalities have been down-

loaded. This is a different time and era in municipalities. First of all, they are not taxing. Second of all, they are downloaded. They've been given more responsibility and very few funds to do that. Now the ministry is going to step up and say what? "We are going to have to do all this practising, and you've got to forfeit some money in order to do that." Well, quite frankly, I'm challenging and I've charged the government with the responsibility of providing the resources in order for them to do those things. Those evacuation plans, those emergency response plans, they cost an awful lot of money.

I want to bring up at this point the fact that in my riding, the county of Brant put on one of these exercises, and they had so many people involved: they had industry; they had an oil refinery; they had hospitals. It was amazing. As soon as they said they were doing it, they all got on board and said they wanted to be part of this great big massive exercise. I say, compliments to them. And do you know what happened? What happened was they found out there were some glitches in their plan, but it was a rather good plan. The volunteer firefighters responded, and they didn't know—not everybody knows about this, so they had it all planned and the day that it happened only those people up at the top knew that it was going to happen and the rest of them had to respond. They passed with flying colours. They did a great job. But do you know what I found out? It cost a lot of money to do that exercise. They didn't have one dime given to them by the province, unfortunately; no provincial funding.

I'm suggesting to you that the bill is flawed in terms of not providing those resources. I'm hoping that when it comes to regulations and forming the essence, the meat and potatoes, behind this, they're going to say, "We're asking them do a lot, but we're going to come to the plate and help them out. We're going to make sure of that." That's an important aspect here.

1530

I want to bring up another point I made in my lead, and that was Bill 141. Bill 141, a private member's bill I introduced, is An Act to amend the Fire Protection and Prevention Act, 1997. I want to read it to you; it's a short bill, but it would help the government in this particular attempt—in 148—to improve our emergency response. It's very simple: "The purpose of the bill is to require that any proposals to reduce or restructure fire protection services be approved by the fire marshal before being implemented. The fire marshal would be required to report annually to the minister on the proposals reviewed."

How simple is that? It's simple, but do you know what? It doesn't happen. I am not chastising any municipality, but I'm saying generically to municipalities that reduce their fire services, "Shame on you if you haven't looked at the consequences of what you're doing." In some cases, unfortunately, do you know what has happened? We've had one firefighter on a truck go to a call. That is absolutely unacceptable, unheard of and dangerous.

Interjection: And they're probably going to cut him.

Mr Levac: And they're going to probably cut him too, because they can't afford it.

Somebody on the other side told me at one time, "We've never given money to fire services. It's a municipal responsibility, and it should stay that way." Guess what? Times have changed. We've had our lives changed. And your priority, apparently, as you've said, and as many people on record have said, 148, is an extremely important piece of legislation. Well, if it's changed that much and we have to reprioritize, I think it's time for you to buck up. Step to the plate and say, "We really do respect our fire services. We really do respect our emergency services. We're going to provide you with some funds in order to do that." That's an important aspect of it.

What's important to understand is that the first questions that come out of the mouths of people on that side are, "How much do you want? How much do you want? How much are you going to raise taxes?" That's the first thing they say. Yet they turn around and tell municipalities, "We're going to regulate you. We're going to tell you exactly what standards to meet." But then they say to the municipalities, "Tough luck. Do it yourself. You find the money." How's that for a partnership?

What I'm looking for is a partnership from this government. The one thing I ask for—I got giggles from the other side when I asked this; they thought it was funny when I asked them the first time. I said, "I think it requires municipalities to sit down with all the stakeholders out there and start formulating improvements to our system, so that all our citizens get protected. Let's go the federal government. Instead of yapping at them all the time, let's go to them and say, 'We need to talk about this. We need to protect our citizens.'"

Instead of doing that, we're going to rush a bill through and find out later on that maybe we had an opportunity to put some regulations in there that say we're going to sit down to the table for a change, and why not? It's for the citizens; it's for the individual citizen. They're expecting that, they demand that and they want that. It's time for us to step forward and say, "We're tired of fighting." If you haven't heard it, I have. They're tired of fighting with government after government to try to make sure these things work.

It's easy to set those standards. It's easy to say, "You must do this," because you've put responsibility on everybody else to pay for it.

Get up to the plate. Show them where their money is. We offered that; we had the Ontario security fund proposal: \$100 million. Simply reprioritize some of the spending, like partisan advertising and a few other things. Simply take that \$100 million and split it in half; \$50 million for province-wide services and \$50 million directly to municipalities, instead of the \$25 million this government said.

Is this the right direction to go? Of course it's the right direction to go. As a matter of fact, it was interesting that you finally got it.

There are so many things I wanted to talk about, but there are other people who want to continue. I want to simply challenge the government to stop the bickering and fighting, get along with people and make sure we can collectively solve the problem that is outlined in 148.

Thank you for the opportunity. I appreciate it.

Ms Shelley Martel (Nickel Belt): It's a pleasure for me to participate in the debate this afternoon. I should state that this is going to be the second of three time allocation motions the government is moving this week. I say that because last week I couldn't be here on Wednesday afternoon, which is my normal House duty day, and as you know, if it's Wednesday, it's time allocation day in this place. My colleague Tony Martin had to cover for me because I was at the opening of Collège Boréal here in Toronto.

The government has obviously made up for it because this week we'll do not one, not two, but three: yesterday we were dealing with a time allocation motion on Bill 175, which is the government's water and sewer bill; today, of course, we're dealing with time allocation on Bill 148, which involves emergency measures; and tomorrow, unless the government changes their agenda, we will be dealing with a time allocation motion on Bill 180, consumer protection.

It is the week for the government to get down and ram legislation through as quickly as it possibly can, to yet again cut off and terminate or abandon any further legislative debate on issues the government says are important. I say to the government, if the issues are important, why is it you're in here three days out of four this week, putting through time allocation motions that effectively shut off debate on those important issues?

The last time I checked the point of the exercise was for us to be here to use legislative debate to raise the concerns of our constituents, yet it's very clear that this week, for example, as with many other weeks—but it must be a record this week—three out of four days in the afternoon are dedicated to time allocation motions. The government is clearly intent on not wanting to hear, and making sure they don't hear, what MPPs have to say with respect to the concerns coming forward on these bills from their constituents.

If I look at the particular motion that was moved earlier by Mr Galt, what's even more interesting is that this is a motion that effectively wipes out debate on third reading, which is a new tactic this government is starting to implement. We have got used to—I suppose that's the only way I can describe it—the government moving time allocation motions that effectively limit committee hearings, for example. So if there are any to be had, they are very truncated, very limited, one afternoon, maybe two if we're really lucky, here at Queen's Park, which leaves a handful of people in a position to actually come forward and have their say.

That is clearly a change from some of the earlier years in which I was here, Speaker, and in which you were here as well, where particularly on very important pieces of legislation there was committee travel. On some really large pieces of legislation there was quite extensive committee travel, not so much when the House was sitting but certainly in the break. The government of the day would make some effort to travel away from here, because Queen's Park isn't the be-all and end-all of the universe and neither, frankly, is Toronto. There are a lot more views to be had out there in the rest of the province, and the government would make it a point that committees would be able to travel to a number of communities to hear from a cross-section of people who lived in the province about their particular concerns.

Now we have gone to a situation where, if there are committee hearings, those are usually held at Queen's Park, one or two afternoons, and then we have a time allocation motion that says we move immediately into clause by clause, and that as well is time-limited. By 4 o'clock on the second afternoon of the public hearings, all of the questions shall be put, all of the amendments shall have been deemed to be debated, even if they haven't been, and that is the end of that process as well.

The government traditionally hasn't used what they are using today, which is to also say that there will effectively be no third reading debate. That's a bit of a new one they're adding to their agenda of how many ways you can actually limit debate, limit amendments and limit discussion, and that's what we have with respect to this piece of legislation.

As the time allocation says, "...the Speaker shall put every question necessary to dispose of the third reading stage of the bill without further debate or amendment; and

"That the vote on third reading may, pursuant to standing order 28(h), be deferred until the next sessional day."

That's the beginning and the end of any debate on third reading. As a point of fact, there won't be any. I guess we should expect to see that in more and more of the time allocation motions the government brings forward; not only a very limited, very truncated public hearing process limited to Toronto, but probably now, added to that, will be a provision within the motion itself that says, "By the way, there won't be any third reading after you have that very truncated amendment process."

What can I say? The government has the majority. The government has the ability to put forward time allocation motions in that fashion. The government has all the ability in the world to eliminate debate in that way. I'm not sure it's particularly helpful for the democratic process; I don't think it is.

1540

I'm not sure we can really feel that people have had a chance to have their say, because they don't under that process. If we've got concerns about why people are concerned about government generally or cynical about the political process particularly, I guess we have to say

these are some of the reasons why. When it becomes painfully obvious that important bills just aren't going to get the kind of hearing they should, then people really do wonder, "What's the point? What's it all about? Why should I get involved? Why should I even send a letter saying I'm concerned? By the time I do that, the whole thing's going to be over."

I don't think that bodes well for trying to engage people in a positive way in becoming involved in the political process at any level, from expressing their concerns to watching the legislative channel to maybe other forms of involvement as well. I think that just makes it much more difficult to get rid of the perception people have or the cynicism they have about politicians and the democratic process generally.

With respect to this bill, I spent some time listening to my colleague Mr Kormos, who is our critic with respect to this matter, on the debate on second reading that took place some months ago. I remember it was quite an interesting debate because the minister was actually at the debate that evening. I give him credit for doing that. A lot of ministers don't come and deal with debate on their own bills; he did.

But what I found a bit concerning to me was the tone he adopted near the end of his debate. He was quite good to outline what the government hoped would be achieved—we don't agree with all of that and we don't believe what the government wants to achieve will be achieved by this bill, especially in relation to funding—but near the end of his remarks he said he really didn't want the bill to be held up. He didn't want the bill to go to public hearings. He wanted to make sure the bill was passed before the next anniversary of the terrible September tragedy, and wouldn't it be terrible if the NDP held it up by asking for committee hearings.

I found that rather offensive because the bill was introduced last year and then it wasn't brought forward for debate. The government finally decided to bring it forward for debate some time in June of last year, which to me clearly indicated that it wasn't much of a priority for the government if they would wait all that time to actually bring it forward for debate.

I also found it a bit offensive because the minister should have had in his possession—at least his colleague Mr Turnbull, who had been the minister before him, had in his possession a letter from the Ontario Professional Fire Fighters Association expressing some very serious concerns about the bill and asking for full public hearings.

My colleague Mr Kormos had the said letter in his possession and spent some time that evening reading it into the record. It was a letter that had been dated, I'm saying, around December 6. I could be wrong about which date, but it was early in December 2001, just after the bill had been introduced. They had certainly been on the ball. They had been quick to respond and sent quite a detailed letter to the minister of the day, Mr Turnbull, saying they would like some full and adequate public

hearings so that their concerns around response times in particular could be addressed.

It was really passing strange that here we were in June dealing for the first time with the debate on second reading and we had the next minister of public security saying very clearly to members in this House, "I don't want public hearings. I'm not interested in that. I'm going to do whatever I can to have that not happen," completely disregarding this letter that had been sent. It could be that his colleague Mr Turnbull had never given him a copy of the letter. Maybe that's what happened. I hope that wasn't the case because the professional firefighters' association is a pretty important group of folks. They represent the unionized firefighters in this province, and there are thousands and thousands of them. They are also at the front line when it comes to the provision of emergency services. I certainly think they would have something important to say at public hearings and I would have hoped the new minister would have wanted to hear what they had to say at those public hearings.

It was interesting that during the course of debate that June evening, a debate that was quite entertaining with respect to the performance by my colleague Mr Kormos, the existence of the said letter came about. A copy was given, I think at that time or soon after, to Mr Runciman and, probably because of it being raised, there were some limited public hearings that finally took place. I gather the professional firefighters were there to raise the concerns I'm going to relate. But it was too bad that the way the matter was presented was one where essentially we were told we have a gun to our head. "Get this bill done. We don't want to have this bill hanging over our head a year after the September 11 tragedy," which would make it look like the government wasn't interested in emergency measures. "We want to get this bill wrapped up tonight," that being June.

I'm glad we said, "No, it's not going to be this way. People who directly provide front-line emergency services have concerns. They also should have a right to have their say, since it's going to impact on them and their municipalities directly." We said no to the minister. We were not going to let the bill go second and third reading that night, and have it pass so he could stand up and say, "We did something as a result of the September 11 tragedy."

I still think that because of the very limited nature of the debate that took place in committee with respect to the public hearings, we don't have a bill that responds to all of those concerns and that a lot of this could have been done much better. What can I say? I don't think it really was a priority for this government. If it had been, it would have been debated last December. We could have had some appropriate hearings during the break in the early spring and we could have been back dealing with this when the House resumed last April, after the Tory leadership. We could have had it done in June, but we could have had a much better bill, I think, than what is before us. We continue to have some major concerns.

Let me deal with some of those. They come really around the emergency measures provisions that are listed. For example, we agree that municipalities should have plans in place in the event of an emergency. That just makes common sense. But we don't think that should just be in the unlikely event of a terrorist attack. God forbid that that will happen in this province; people didn't ever think it would happen in the United States either. But we should have those things in place much more due to the natural tragedies that are going to occur, like fire or flood, for example, or, God forbid, the roof of an arena caves in in the middle of a hockey game in someone's community. Those are the much more likely occurrences with respect to emergencies that we should be dealing with, and it is true that every municipality should have in place a plan to deal with the same.

Our first concern was that, yes, obviously every municipality should have that in place and it should be updated on a regular basis. All those in the community who deal with emergency services should participate in the initial setting of the plan if it's not in place, although most municipalities have already done that without this legislation. But for those who didn't, there should be a broad cross-section of the community involved in the provision of emergency services who deal, first, with the establishment of that initial plan, and then, on a regular basis, are part of both the monitoring of how effective it is and part of any process that requires change in it.

Secondly, flowing from that is that you can put a plan in place that calls for these many emergency personnel, be it fire, police or paramedics etc, and you can have standards that are set by the province with respect to how many you should have per population and what your response time should be for each of those emergency personnel, but the real dilemma and the problem we continue to have with this bill is that if you don't have the funding in place to support that, to back it up, then you're going to continue to have problems dealing with emergency situations. If you cannot, as a municipality, afford to hire the firefighters you need to deal with provincial standards with respect to response times, what does that do for someone who is having their house burn down or their business burn down? It does nothing.

The reality of this bill is that while the government will be setting standards with respect to many of those important provisions, the government has done nothing with respect to stepping up to the plate itself to put the money on the table to allow municipalities to hire the personnel to ensure that those standards are met. So this process is a sham. The process of setting standards with no money on the table to hire the personnel to make it happen is a sham. You give false protection to people in municipalities who think that somehow, because standards are passed, everything else will fall into place: that municipalities will be in a position to hire the firefighters they need, to hire the paramedics they need, to hire the police officers they need. We know that with this government's downloading, that just is not the case.

1550

This is a government that, several years ago, down-loaded 100% of public transit on to municipalities. It's a government that down-loaded 20% of all childcare and family resource costs on to municipalities, 100% of all library services down to municipalities, 100% of all ambulance services down to municipalities, 100% of all assessment services down to municipalities, and the list goes on. While this government—

Mrs Marie Bountrogianni (Hamilton Mountain): Second-stage housing.

Ms Martel: Thank you very much. Second-stage housing cancelled totally: that's now a responsibility of the agencies at the local level.

There is an enormous list of the responsibilities that this government has handed down without providing the corresponding funding that used to be there for the provision of those same services. You've got municipalities that are already cash-strapped because of the download of all these services with no corresponding provincial funding to make it happen, and now the government says, "We're going to develop some new standards with respect to response times. By the way, municipalities, we're going to add to your financial burden even further, because it's going to be on your backs and on the backs of your ratepayers to find the money necessary to have those personnel in place so those response times can be matched." I can tell you, there's going to be a whole whack of municipalities out there that aren't going to have the money to do it. We are doing nothing for people in terms of providing adequate or sufficient or effective emergency protection when we don't give them the money to back up those standards.

That is a particular concern that we have had throughout the course of the limited debate of this bill, and it was a concern that my colleague Mr Kormos raised again during the public hearings. I suspect, although I didn't have time to see the transcripts of those that came forward, that was probably a concern raised by the professional firefighters as well when they were before the committee. They certainly do see the need to deal with better, faster, quicker response times, but that means more firefighters, and that means municipalities paying for those firefighters, and that means having municipalities in the first place that can find the money to do that. Most can't. I'm concerned that in trying to adhere to the standards, municipalities will be forced one more time to go back to their taxpayers and raise their municipal taxes again to cover off standards that this government should be dealing with by providing the provincial funding to those municipalities to make these standards and adequate protection and increased hiring actually happen.

When my colleague Mr Kormos was at committee, he moved three amendments on behalf of our party. I regret to say that none of the three were accepted by this government.

The first had to do with section 3 of the bill, which talked about training and exercises. It read as follows:

"(3) Section 3 of the act is amended by adding the following subsections:

"Training and exercises

"(5) Every municipality shall conduct training programs and exercises to ensure the readiness of employees of the municipality and other persons to act under the emergency plan.

"Review of plan

"(6) Every municipality shall review and, if necessary, revise its emergency plan" every three years.

"Offence

"(7) A municipality that fails to comply with subsection (1) or (6) is guilty of an offence."

You see, it's not enough just to have the plan. It really is imperative—it's critical, vital—that the training exercises be undertaken so that all of those emergency personnel who are involved can respond, and respond adequately: know the details, know them in and out, know them clearly and be able to respond at a moment's notice. But there's a cost attached to that too. Here again the government falls down on the job, because for municipalities to be able to conduct the training programs and exercises to make sure their emergency personnel are ready to deal with any broad range of emergencies that could occur, they really do need some money to do that.

I said earlier that most of these municipalities are already cash-strapped. They're not even sure where the money is going to come from to hire the emergency personnel that are required, much less on a regular and routine basis have training exercises that allow those emergency personnel to be very clear that they are going to be ready. It's a question of funding. It's a question that the government has refused to deal with.

The second amendment we moved was to section 8 of the bill. We said that it should be struck out and the following substituted:

"8. Subsection 6(2) of the act, as amended by the Statutes of Ontario, 1999, chapter 12, schedule P, section 4, is repealed and the following substituted:

"Training and exercises

"(2) Every minister of the crown described in clause (1)(a) and every agency, board, commission or other branch of government described in clause (1)(b) shall conduct training programs and exercises to ensure the readiness of crown employees and other persons to act under their emergency plans.

"Review of plan

"(3) Every minister of the crown described in clause (1)(a) and every agency, board, commission or other branch of government described in clause (1)(b) shall review and, if necessary, revise its emergency plan every three years.

"Offence

"(4) A minister of the crown described in clause (1)(a), in his or her capacity as representative of the crown in right of Ontario, and an agency, board, commission or other branch of government described in clause (1)(b) that fails to comply with subsections (1) or (3) is guilty of an offence."

That would have made it mandatory for all government agencies involved and municipalities to ensure the readiness of their own crown employees and the persons who are designated to act under emergency plans. I just think this makes some sense. I mean, why wouldn't you want to ensure that your own personnel are ready, not only the personnel in the municipality who are on the front line, but in the case of crown agencies and communities as well, why wouldn't you want your own staff to be ready?

I don't understand why the government didn't accept this amendment. It seems to me to be a reasonable one. It seems to me to be one that would guarantee that people understood what the plan was, were prepared to respond to it, could be in a position to update it on a regular basis if necessary, and yet the government refused to accept this amendment that was put forward. I just clearly do not understand why.

The other amendment that was put forward by Mr Kormos, relating to section 16 of the bill, said the following:

"Emergency response standards

"(1.1) The chief, Emergency Management Ontario shall set emergency response standards for emergency plans, based on consultations held with the persons or organizations that the chief considers appropriate including,

"(a) employees of municipalities, crown employees and other persons who are responsible for the provision of necessary services in emergency response and recovery activities;

"(b) the associations or unions that represent the employees and other persons described in clause (a);

"(c) the fire marshal; and

"(d) municipalities."

Here, what we were trying to encourage the government to do was to have a broad consultation with the parties who would be most affected or who would have the most expertise and/or to have a broad consultation so that the standards that are set out with respect to emergency plans are appropriate, are adequate, make sense, can be followed, can be managed etc.

If you want to set out standards that you're asking municipalities to live by—and the government is doing that in this bill—you want to have standards that are realistic, that are reasonable, that are logical, that make sense, that can be adhered to, that can be carried out. So you need a broad range of people for the government to consult with, and we made it very clear who some of those should be: municipalities, who themselves have to also have their own emergency plans; crown employees; unions that represent many of those personnel, unions representing paramedics, the police, or firefighters; the fire marshal etc.

This is a really good provision. It calls for broad consultation with those people who have the expertise with respect to emergency standards that will be required for emergency plans. Again, regrettably, for a reason that I cannot fathom, the government members voted against that particular amendment too. That has nothing to do

with money. It has nothing to do with the government actually providing some money to municipalities to increase the number of emergency personnel. It had everything to do with open, intelligent and broad consultation with people in the know about emergency services and emergency situations.

I don't understand why the government wouldn't even accept that simple amendment, which would have encouraged them—more than encouraged; said to them directly—"These are the types of people you as the government need to consult with when you develop the standards that you talk about in the bill." I think it would have made inordinate good sense for the government to adopt that recommendation. I'm sorry they didn't, and I don't understand why they didn't.

The other thing that could have been done at committee—and I regret that it was not, and I say this in all seriousness because I'm not sure where these things are then going to be dealt with. There was a terrible tragedy in our community in April 2001. It was a house fire in a residential neighbourhood. A grandmother and two young children were killed in that fire. It was a horrific, terrible tragedy and it has really struck a chord throughout our whole community.

1600

As a result of the three deaths that were involved, of course the coroner's office had an inquest. A coroner's jury sat for 20 days in our community earlier this fall to hear the testimony and evidence and to hear about what had happened from a broad range of people who had been implicated or involved. That testimony was very gut-wrenching. It was very difficult for those who were involved because of what happened. Many people have pointed the finger at the firefighters and have been very vicious in their condemnation of those firefighters who were involved. I found that to be most regrettable, because I know that not one of those firefighters would have ever wanted to see those three people die. But that's what happened—not by everyone, but by some. That came out over the course of the testimony during the coroner's inquest.

What also came out at the end of the inquest was a list of the recommendations from the coroner's jury. These came out on October 4. They are quite extensive. I congratulate the coroner's jury. I think they took their job very, very seriously. They were very affected by the testimony that was heard at the inquest, and they have come forward with a number of recommendations that affect the provincial government, the municipality and the Ontario fire marshal's office. I really hope that the government will respond to these.

I would have hoped that the government would have seen Bill 148 as an opportunity to incorporate some of the coroner's recommendations, because some of them call directly on the government to do a number of things. I think the government has missed a very important opportunity by not incorporating into Bill 148 the coroner's jury recommendations with respect to this fire. I think that is an opportunity that has been lost. It would

have been an excellent opportunity for the government to show clearly that they too were concerned about the recommendations that affect the province directly and that they were committed to dealing promptly, adequately and effectively with those recommendations.

I think I will go through some of the ones that affect the province. I really want to encourage this government, because it's not going to happen through the course of Bill 148, to deal with these in a timely fashion to show our community that the government is responsive to the jury's recommendations and will act on them to ensure that a tragedy like this is never going to happen again. They include some of the following:

"To the provincial government...that radio and television air time be made available for disseminating fire safety information targeted at adult education." The jury suggested short, repetitive messages be developed by the Ontario fire marshal's office.

Secondly, "The Ministry of Education should make mandatory programs such as Risk Watch for children in all Ontario elementary curriculums as well as licensed daycare facilities and private schools. The rationale is inquest evidence indicated this is at the local school board's discretion and the deceased's guardian was unaware of the Risk Watch program.

"The ministry should also make mandatory fire drill procedures for all educational facilities. As an example, head counts.

"The Ontario fire marshal's office should develop a fire safety program for secondary schools that would be made mandatory in the curriculum. The fire marshal's office should also develop a training record for fire-fighters and then be responsible for receipt of accurate, precise and up-to-date data....

"The fire marshal's office should also develop a standard operating procedure for accurate timing of personnel arriving at a fire scene as evidence indicated there was no method for determining the arrival time of fire personnel....

"The province should formally adopt a standardized incident command system that would be developed by the Ontario fire marshal's office to be used by all fire departments. Further, the Ontario fire marshal's office should monitor, police and enforce compliance.

"All municipalities"—should—"be required by regulations to prepare a master fire plan in the form and manner as specified by the fire marshal's office. Master plans should be submitted to OFM for review and comment every five years and be developed using a comprehensive risk assessment and resource rationalization process....

"The Ministry of Public Safety and Security should establish minimum fire protection and public education requirements specified in the OFM guideline be incorporated as a regulation under the Fire Prevention and Protection Act. This should include completion of a comprehensive risk assessment, smoke alarm program, escape planning, distribution of public information and inspections on complaint or request.

"The Ontario fire code should be amended to include a smoke detector on every level of each residence in Ontario, smoke detector in every bedroom and carbon monoxide detector on every level of a home.

"The province adopt a standard for installation, maintenance and use of emergency services communications systems and dispatch facilities and centres in Ontario, and further, the OFM investigate, monitor and enforce compliance.

"An independent and comprehensive audit be conducted of the operations of the Ontario fire marshal's office by fire service stakeholders to review the role and effectiveness of the Ontario fire marshal.

"A pilot project be launched to include a province-wide survey to determine the effectiveness of dissemination of public child/adult education relating to fire protection."

Finally, "The province consider amending the building code to include sprinkler systems for new construction of all residential buildings."

There were a number of recommendations made that have very much to do with the province of Ontario; I've tried to highlight those. It's clear that they weren't incorporated during the limited public hearings that took place on Bill 148, and it's also clear that the government needs to respond. This was a terrible tragedy. It caught the attention of our whole community in a way that many things haven't in such a long time, because it was so tragic and because of the evidence that was heard during the coroner's inquest. People in our community really need to know that this government is taking those recommendations seriously and is going to act on them.

One of the recommendations that I didn't make mention of was a recommendation to the city itself to hire full-time firefighters in Valley East where this tragedy occurred. The recommendation was full-time, 24/7, in the three stations in that community. That's going to cost the city of Sudbury probably a million dollars to implement. I think that is money this province should give this municipality to make it happen. We are already a community that, as a result of forced amalgamation by this government, is probably facing a deficit well over \$31 million—directly as a result of that amalgamation. Those are all new costs that have been downloaded to us as a result of the amalgamation. I can tell members in this House, not one of those seven municipalities had a deficit before the forced amalgamation, and now we have a cumulative deficit in the order of about \$31 million. We should not be burdened—

Mr Rick Bartolucci (Sudbury): They shortchanged us by \$10 million.

Ms Martel: We're absolutely shortchanged, as the member for Sudbury said. It's no wonder that the government stopped the amalgamation processes after the situation in Sudbury.

This municipality should not have to try and find another \$1 million to respond to the coroner's jury recommendations. The municipality has to respond; we need full-time firefighters in Valley East—all the evi-

dence that came out made that clear. But it should not fall on the backs of ratepayers in the city of greater Sudbury to pay for that to happen. This government has an obligation to ensure that our municipality and other municipalities have adequate, appropriate emergency personnel services that are staffed to the limit they should be staffed in order to respond appropriately. That is an obligation this government should bear, and it is a responsibility the government does not want to bear, because it's clear during the course of the debate on Bill 148 that they will set new standards but not provide a dime to municipalities to hire the personnel necessary to meet those standards. I think that's shameful.

I think we have a bill before us that will essentially do nothing with respect to improving the situation in so many municipalities, because municipalities will not be able to afford to hire the personnel necessary to live up to the standards. We are offering people false hope and false protection, and that is wrong. I think this government, before they finish dealing with this bill, and this minister in particular, if he's really serious about emergency services in municipalities, should stand in his place and make a commitment that the province of Ontario is going to get up to the table and is going to put the money on the table to make sure we can hire the personnel we need, not just in the city of Sudbury with the new full-time firefighters we will need at a cost of \$1 million, but in all the other communities that are going to have to increase their personnel to respond to the standards. That's what the government should do if it's really committed to emergency services in Ontario municipalities.

1610

Mr Bob Wood (London West): It will come as no surprise to members of the House that I'm going to support the time allocation motion. I'm going to do that because I support the bill. What I'd like to do is take a few minutes to put part of the government's position on record, and a few minutes after that to put on the record some of my personal views on the best possible use of legislative time.

Since the tragic events of September 11, 2001, this government has taken significant steps to improve the safety of all residents, and to enhance security in Ontario. In addition to introducing the Emergency Readiness Act, the government has invested more than \$30 million in a variety of significant and important public safety initiatives, including appointing former Royal Canadian Mounted Police Commissioner Norman Inkster, retired Major-General Lewis Mackenzie and Scott Newark, vice-chair of the Office for Victims of Crime, as security advisers on dealing with terrorist threats; and appointing Dr James Young, Chief Coroner of the province of Ontario, as commissioner of security;

Doubling Emergency Measures Ontario's budget—\$3 million—to enhance its ability to respond to emergencies and assist municipalities; providing \$2.5 million per year and \$1.4 million in one-time funding to improve Criminal Intelligence Service Ontario's intelligence

gathering capabilities; providing \$709,000 in new funding recently to enable small and mid-sized police services to enhance their criminal intelligence gathering capabilities by providing 23 new positions under the community policing partnership program; bringing to 1,023 the number of new front-line police officers working in communities across the province since 1998;

Investing \$2.5 million per year to train people who are first at the scene of emergencies—this includes training in heavy urban search and rescue, responding to chemical, biological, radiological and nuclear emergencies and dealing with hazardous materials; adding \$1 million to expand the mandate of the provincial repeat offender parole enforcement unit, to target individuals who are illegally in the province; building an anti-terrorism training facility for police services at the Ontario Police College, \$3.3 million in one-time capital funding; increasing the number of new recruits at the Ontario Police College to help police services increase public safety;

Building an emergency management training centre, \$3 million in one-time capital funding, for firefighters and ambulance personnel at the Ontario Fire College in Gravenhurst; creating the provincial emergency response team, a new rapid-response unit of the Ontario Provincial Police that will be specially equipped to combat terrorist threats, \$4.5 million, and an anti-terrorism unit that will investigate and track down terrorists and their supporters, \$3.5 million; investing \$1 million in protective equipment for front-line police officers who may have to respond to chemical, biological, radiological and nuclear attacks;

Establishing CERV Ontario, volunteer community emergency response teams, \$1 million, made up of Ontario residents who volunteer their time and expertise in preparing for and responding to emergency situations; working with the owners and operators of large buildings to develop evacuation procedures—the office of the fire marshal received \$600,000 in one-time funding to create a guide to help the owners and operators of large high-rise buildings and high-risk facilities develop emergency management and evacuation plans for their buildings;

Developing more specialized forensic capacity in the Centre of Forensic Sciences and making modifications to the current morgue, \$600,000, to allow for testing of explosives and toxic or chemical agents, and larger scale testing of DNA; expanding the Ontario Provincial Police hate crimes and extremism unit, \$400,000; investing \$200,000 to establish a new, alternative provincial operations centre for Emergency Measures Ontario; hosting a counter-terrorism summit of international experts and representatives of Ontario's front-line police, fire and other emergency services personnel, February 17 to 19, 2002, in Niagara Falls, with one-time funding of \$500,000.

In addition, the Ministry of the Attorney General has undertaken significant steps to protect residents of Ontario, including dedicating a specialized crown attorney to provide expert advice on terrorism; committing to vigorously prosecute the perpetrators of terrorism-related

hoaxes to the full extent of crown law; assisting victims' families and loved ones by proposing the legislation before the Legislature today that will, when passed, allow a single application for a declaration of death to be brought for all legal purposes, rather than forcing survivors to make a number of individual applications, and allow the province to exceed statutory benefits to victims; calling on the federal government to create a new Criminal Code offence to specifically deal with terrorist hoaxes; introducing legislation that will improve the security of vital statistics documents and protect Ontario citizens' birth certificates and other important documents; and providing help to Ontario families whose loved ones were victims of the September 11, 2001, attacks.

As you can see, this government takes this issue very seriously. At the same time as we are implementing the initiatives I've outlined, the Minister of Public Safety and Security continues to press the federal government to ensure our borders are safe. The majority of the people coming into Ontario from the United States enter Canada at one of the border points in Ontario. Windsor, for example is one of the busiest crossings anywhere in Canada. About 80% of all truck traffic entering and leaving the country does so via Windsor. Our economy depends on goods and services moving freely back and forth. Bill 148 will enable bordering municipalities to take positive steps to ensure the safety of citizens in those communities.

If I may be permitted a more general observation, if we take some of the successes we've had in the area of our ministry over the last 50 years—by which I mean a dramatic drop in the number of fire deaths per capita in Ontario; a dramatic drop in the number of deaths, injuries and property damage per kilometre travelled by motorists in Ontario; a 30% drop in reported crime, from 1995 to 2001, in Ontario—these successes have occurred because we have had a good overall strategy which has led to incremental progress over a long period of time. I think this bill is part of that strategy and is going to achieve the same kinds of positive results that our strategies have over the years.

I'd also like to take this opportunity to make a few observations about time allocation motions and how I think we might make better use of parliamentary time than we do now. These, of course, are personal observations which I am working very vigorously to attempt to turn into government policy.

The principle of time allocation, in my opinion, is this: I think once a bill is introduced, the opposition and the government members should be given sufficient time to fully understand the bill before the Legislature, and to give all the citizens of Ontario a chance to understand it and offer their comments. There are some bills where this is not possible, where there is urgency, but in the case of most bills I'd like to suggest to the House that is possible and desirable. Indeed our time allocation rules do require a certain minimum period which works out to something like one week. I think that's important and very positive.

The other half of that is, however, that the government is also entitled to a vote after a reasonable time on any matter they have before the House. To provide otherwise would be I think a fundamentally anti-democratic step. I think our rules are basically fairly sound in terms of that principle.

1620

Where we perhaps tend to have rules that are not what they should be is in the role of the individual members in terms of legislating. Our rules have a long way to go before we can say that these are rules that truly meet the needs of the 21st century.

Let me talk a bit about what I think should indeed be happening in the House. I think it's very important that we have partisan presentations and partisan activity in this House. It's important that this House be used in part for people to understand what the personalities are, what the platform is, what the experience is of the three parties in the House that obviously are going to seek support in the next general election.

What I'm going to propose by way of changes in the standing orders and the rules by which we do business are not intended in any way to take away from that function. What they are intended to do, however, is to give the individual members a chance to be more involved in legislating so that their ideas, particularly when they are not central to the government's agenda or the opposition's agenda, can be considered more on their merits and more in a non-partisan way.

The feeling among much of our population is of course that private members' public bills do not go anywhere in our Legislature or, for that matter, in the federal Parliament. Certainly in this Legislature, the record shows that to be wrong. If you were to take a look at the record of the last sitting, the spring 2002 sitting, approximately one quarter of the public bills passed were private members' public bills. I think that shows that we're headed in the right direction. We are indeed giving individual members more opportunity to legislate and I think that's very positive; however, we have to look for ways to enhance that opportunity and to give them more opportunity to put their ideas forward and have them fairly considered by the House.

Members will be aware of the motion I have put on the order paper whereby if a member could get 75% of the sitting MPPs to sign a petition supporting the motion, a private member could move a time allocation motion and a motion which would require a bill to be called by the House. In other words, the member would not be dependent, at any stage, on the government calling the bill. If it was the will of the House that this bill be dealt with, that member would be entitled to the same consideration the government is now entitled to, which is, of course, it will be called and the time will be limited on which debate can occur.

I think eventually—and I hope "eventually" is sooner rather later—if such a measure were to be adopted, I would hope that the threshold might drop from 75% to maybe 60%. That would give the individual members a

lot more opportunity to have their ideas put forward in the House.

I also think that if we're going to do that, as I believe we should, we also have to make more time in our legislative week available for the consideration of private members' public business. Right now, it tends to be about 10% of the time that's available for the individual member's business and about 90% of the time is devoted to either government or party business, by which I mean opposition days and that sort of thing. I would suggest that a better division of that time is probably one quarter to the private members' public bills and three quarters to the other business. I think there are some ways that we could find more time.

I have not formed firm conclusions on all of the ideas I'm putting forward today, but I would invite all members of the House to give some thought to some of these ideas. As members know, the standing committee on the Legislative Assembly is currently looking at the role of the private member in this assembly. I have sat in on some of the deliberations of the committee and have participated in some of them. I think there are some very good ideas being put forward and, indeed, some consensus being developed by the members of that committee as to some things that should be done.

I'd like to make a couple of suggestions, which are really areas where we might look to achieve more time out of our weekly schedule for private members' public business.

One possibility is to add a couple of hours to the Thursday morning sitting. That, in and of itself, obviously would double the amount of time available for private members' public business.

Another thing we could look at is to take the last hour of every day—in other words, from 5 to 6 o'clock—and make that available for consideration of private members' public business. If there were a couple of hours available for public business prior to that, they could always be tacked on after 6 o'clock, pushing the whole calendar back. This might have the effect of getting us a little more quickly to business earlier in the day, so we don't have to work later at night. That may be a naive hope from my point of view, but I think we could have a full sessional day's debate of public business and also get one hour's debate at the end of each day, if we wanted to do so, for private members' public business.

I also think that if we want to empower individual members, we've got to give them more flexibility as to what they can do with their hour, by which I mean that perhaps we should say in effect to the private member, "You can do what you want with your hour. If you can squeeze three bills into your hour, that's fine. If you want to have third reading of a bill, if you want to have a resolution for part of it, and you can get the rest of the House to support what you're doing, maybe you should in effect be able to call the business for that hour."

If we're going to do that, we should make it possible for members to call other members' business. If we gave that kind of flexibility, you would find that bills that

really aren't that controversial and really should go through would start going through. There tends to be a diminishing view among some that if we gave the MPPs more opportunity to legislate, we'd get bad legislation. I'd like to respectfully suggest to those people who are still concerned about this that that is not what the record of this House shows. When we look at private members' public bills in the past, I think time has shown that by and large they have been very good bills. I think what we're going to do is increase the productivity of this House by giving individual members more authority to legislate, and the province as a whole is going to be the better for it.

There's one bill I have before the House that I do want to refer to, because it relates as well to the use of legislative time. Members will be aware that some time ago I introduced a bill that would provide that the Legislature set the criteria for the appointment of judges and justices of the peace, and for legislative approval of those who are nominated to the position of judge or justice of the peace. I think if we were to do that, most of the work, if the standing orders were drafted properly, would happen in committee, but there would be some work done on the floor of the Legislature. What we would really get out of that would be pretty much what is proposed. What you would find is that elected politicians would be setting the criteria by which the appointments were made, and they would be enforcing those criteria in each and every case.

We sometimes hear our friends to the south being criticized for political circuses over the appointment of judges. When it gets right down to it—and there have been some excesses; I would acknowledge that—I think they get a better quality of appointment and wider input from elected members, and therefore from the population as a whole, in their judicial appointments. It is the 21st century, and the public expects more input and wants more accountability. I think that looking to the people they have actually elected to the Legislature to achieve that accountability can lead to some much more positive results and much greater public satisfaction with judicial appointments.

If you were to ask the general public about this, and I've done this on many occasions throughout the province, they don't really feel there's enough accountability to them from the judicial system. That would be a useful and appropriate use of some legislative time.

1630

I'd like to also talk a bit about committees, because they are an important part of this Legislature. Normally, time allocation motions deal with how something has to be dealt with in committee. I might, by the way, mention to the previous speaker that in actual fact we accepted a couple of NDP amendments in committee on this bill. We didn't accept all of them, and I guess that's politics, but the views of her party were not ignored when we got to the amendment process. The member for Niagara Centre was at the committee that day and he actually commented on how he thought the committee process

had worked rather well on this bill. I thought that was a fair comment and I endorse it as well.

What we have is very uneven results with respect to the use of committee time. Some committees work very well. They get good input from the public. They get informed consideration of the provisions of the bill. Certainly in the case of this bill, I think it is a better bill today than it was when it was first introduced because the committee process worked well.

The issue becomes, of course, how do we improve the functioning of the committees in order to get good input where it's needed and to get good clause-by-clause consideration and fair consideration of the views of all members of the Legislature? I'm not going to stand here today and say that I have all the answers, but I would like to suggest a few areas where we might look for answers.

Obviously, the House is always going to allocate a certain amount of time, unless there's agreement, to consideration by committee. It might be that we should require a reasonable amount of clause-by-clause analysis as a requirement under the standing orders. It may be that once we've allocated a block of time, we should give the Chair of the committee the responsibility of moving the debate forward. So if, to take a figure, five hours have been allocated for clause-by-clause, it would then be the responsibility of the Chair to move the debate along so that all clauses are fairly considered within that five-hour period. That means more work for the Chair, but—and I think all of us can think of instances good and bad in this area—where there has been reasonable substantive consideration of the clauses and the amendments, it's tended to make a better bill. Where that has been lacking, for whatever reason, the legislative process really has not, at that stage, added any value to the bill.

I would hope we might look at ways to make the committees function better. If we were to take a look at ways of using technology to make the committees function better, I think that would be important and helpful. I've been at a few committees where we have used technology so that people have made submissions by teleconferencing. They seem to have been favourably impressed by the experience. Certainly the committee members have found the input to be good and helpful.

We may also have to take a look at some vetting of whom we hear from, not from the point of view of excluding anyone because obviously we can hear from all by way of written submissions, but we may have to look at ways of avoiding repetition. Some repetition is obviously useful and helpful, but we sometimes tend to hear the same point again and again in some of the public submissions. We may have to look for ways we can get all the public points of view, but avoid some of the repetition that the process tends to end up with as we do it now.

There's one other thing I think we have to look at if we're going to make better use of legislative time, and that is, do we have to strengthen the research function of some of the committees? This tends to be a little stronger in the American Congress than it is here. I'm not going to

stand here today and say I have firm ideas as to how that might be done, but to the extent we might do that and get the members to use it, I think we would have more effective use of committee time.

Overall, if we give some thought to all these ideas for parliamentary reform and all the ideas that are being considered by the Legislative Assembly committee, at the end of that process we're going to have much more effective use of the time of this Legislature and its committees, and the public is going to see a higher quality of law-making as a result.

I would commend those ideas to the consideration of all members of the House. I would encourage all members to make their views known to the Legislative Assembly committee, and let's see if we can't give the people a better final result by way of making our own procedures and efforts better organized and more 21st century.

Mr Ernie Parsons (Prince Edward-Hastings): I am pleased to speak to this bill. Bill 148 is a good bill. I wish I could vote for it, but I can't because it gained the time allocation that has been called on it. The difference between being a good bill and a great bill is time allocation. By restricting the debate, it restricts the opportunity for there to be some fine-tuning, for some tweaking to happen to make it a better bill.

This government says, "Unless we have time allocation motions, we just can't get it through the Legislature." I looked back over the history of this fine institution, and during the time Bill Davis and Frank Miller were Premier—they certainly had some strong sense of how to work within the parliamentary rules—they had three time allocation motions and passed a total of 292 bills. Of the 292, only three required time allocation.

With the David Peterson minority, 129 bills were passed—one time allocation motion. During the majority government of David Peterson, 183 bills were passed, and there were three time allocation motions.

This government has passed 225 bills, not as many as Davis and Miller—292 for Davis and Miller, 225 for this government—and Davis and Miller had three time allocations and the Harris-Eves government has had 99 time allocation motions so far.

Time allocation motions restrict the ability of interested parties to provide input. This is a bill that requires consultation with municipalities. This is a bill that directs municipalities to do certain things, things that need to be done. They're now requiring the municipalities to have emergency measures planning; interesting, and 86% of the municipalities already did. The requirement is good, but it shouldn't be done as an edict from above; it should be done through consultation with the municipalities.

So I certainly support the concept of Dalton McGuinty and the Ontario Liberals, and in fact it was immediately after that horrendous day on September 11 that Dalton McGuinty called for some measures to happen to address

the fact that our world changed terribly in that hour period in New York City.

What Dalton McGuinty also advocated and urged was that there be some money put forward to make it happen. Rhetoric won't make us prepared for the situation. It requires some cash. Municipalities are already being hit time and again with downloading. We're seeing municipalities take on responsibilities for ambulances and so many other things and they're struggling financially. This government that purports to have cut taxes in fact has transferred them to property owners in virtually all of the cases. Here's a bill that is the essence of a good bill, but it is just not fine-tuned as far as it could be.

I was struck the day of September 11 when a spokesperson for an Ontario hospital said that at that particular instant in time there were 43 empty hospital beds in all of Ontario. When the Premier offered to take people who had been injured in New York City and provide accommodation for them in Ontario hospitals, I thought that was a most appropriate gesture. That was the right thing to do. We may quarrel from time to time, but they are our neighbours and our friends. But then I was struck when this official said, "We have 43 empty beds to accommodate emergency cases." There is no point in being prepared for emergencies if we do not have hospital beds.

1640

Our hospitals continue to be in crisis across Ontario. In my community this government created the Quinte Healthcare Corp. It consists of four hospitals. We had Trenton, Picton, Belleville and North Hastings or Bancroft. Each of these four hospitals, prior to amalgamation, had never run a deficit, had offered full services, had enjoyed the support of the community. In fact, the community worked aggressively to fundraise and purchase many of the things, but we had four great independent hospitals that were fiscally responsible. This government said, "We've got to fix that."

All kinds of red flags went up. Here's a system that was working. An amalgamation was forced on these four hospitals and we're now seeing staff, whether it be administration, doctors or nurses, working their hearts out literally to make the system work. But the challenge they're facing is that as the government purports to make things more efficient, they make them more inefficient. They fund these four hospitals as if they are all located in one spot. They don't provide the funding for so many of the services that each of the communities value.

Here we had in Ontario, in many cases, hospitals that were functioning in just an excellent manner. This government fixed it by plunging them into crisis. Now Quinte Healthcare Corp is trying to make plans knowing that they face maybe a \$5-million budget deficit this year. I would suggest they didn't fix it; they made it considerably worse.

Our ambulances: it is important in an emergency that we have enough ambulances available in all of Ontario. I'm now hearing some concerns from some parts of the province that they don't have enough ambulances. The

service provided by ambulances should not depend on the local tax base, because in our province we very clearly have some areas that have a much stronger tax base with industrial-commercial than we have in rural areas.

Indeed, in rural areas the province changed the rules for taxation on farms. It used to be that farmland had three quarters of the farm taxes rebated by the provincial government. This government changed it so that the three-quarter tax rebate now comes from municipalities, with no compensating money to the municipalities. Farmers are having an extremely difficult time. The three quarters is traditional and fair, but transferring those costs is just a typical example of how the local taxpayer is being hit by this government.

Now we have to worry about ambulances, and ambulances are no longer guaranteed the standard that exists across Ontario. Oh, I know the province has passed even tougher laws that raise standards for ambulances, but they don't fund it. How can we be prepared for that?

I would suggest that the issue of the doctor shortage is critical to a province if a disaster were to occur. We can't get a family doctor for about 20% of my constituents. They're simply not there. In the event of an emergency, where are the doctors who would provide that? It may look great on paper, but I would suggest it won't look that way when you actually need a doctor.

The same thing with nurses; we saw nurses sacrificed for financial reasons and we're now unable to attract them. We say there aren't enough beds, but in actual fact there aren't enough people—I'm being distracted.

Hon Jerry J. Ouellette (Minister of Natural Resources): Your electronic device just went off.

Mr Parsons: Yes, it did. It reminded me I'm supposed to be here.

Hon Helen Johns (Minister of Agriculture and Food): It's not supposed to be on.

Mr Parsons: You're right. If I put it in my pocket, it scares the daylight out of me because I never know whether it's my heart or the machine.

Interjection: I think staff is going to look after that.

Mr Parsons: I'm sure they will, but thank you very much.

I wish we could be as open in discussing this bill and its amendments as we are on the petty little things. It's great to talk petty things, but when we get to substance, this government doesn't want to talk about substance.

For all these concerns I've just talked about—we've got hospitals and ambulances in crisis—the hydro deregulation has only dramatically worsened the situation. Now hospitals that were projecting a \$5-million deficit don't know what's going to happen. The government says, "We're going to do things that will make the province better prepared for an emergency." That's not happening. The hydro alone is creating dire circumstances for all our service providers.

The government says they want to make our area safer. I remember, not with fondness, the great ice storm in 1998. It actually wasn't in my area, but just to the east

of us was Kingston. We have a son who lived there. We saw the entire community literally shut down. It was eerie to drive along the 401 and see the service centres black; there was no electricity to them. We went into the city of Kingston. At night there were trees down over the streets, hydro lines down, and the city was black. That cost a lot of money to restore. To put those power lines back up and put the massive towers up cost a considerable number of dollars. It happened because all of Ontario, even though the disaster was only in eastern Ontario, went together and indirectly funded Ontario Hydro or Hydro One to restore that.

With privatization, goodness knows what this government is going to do, but if they adhere to the concept of actually breaking the grid up and if we get another horrendous disaster like in eastern Ontario with the towers going down, then those people served by that company are going to be faced with massive charges to restore the power to put the system back to work. The Hydro One sale begs to be left as a monopoly, because it is a public service monopoly that will enable the rest of the province to work together and support whatever part is hit.

We also had occasion to be in Florida when Hurricane Andrew struck—absolutely awesome and terrifying. I watched as the people in that community fled the area. They got on to the interstates and the highway systems and they got out of that community. To pick Toronto as an example, with no disaster, how does the road system work here at 4 o'clock? How do people get out of Toronto on an ordinary day? Well, it's absolute gridlock on most of the highways. Can you picture this road system if there was a disaster that required the evacuation of downtown Toronto or of any of our large cities?

This government has allowed the infrastructure to deteriorate. By saying, "We're not going to fund the TTC to any significant extent and we're not going to fund GO Transit," they're encouraging worse gridlock rather than decreasing it. It has had the effect of hurting business and citizens, who now have to face a two-hour drive into work. Even worse, it puts us in the position in much of Ontario that we couldn't react to a disaster if it required us to evacuate the people out of the city. We need a strong public transit system. We need to put money into rail. We need to put money into all forms of mass transit, which are inherently more efficient than cars parked on the Don Valley, which they named "parkway" quite aptly. So the government needs to address that reality.

The government wants to be prepared for disaster, yet we have seen them strip money out of the school system. How does money going out of the school system have any reflection on being prepared for a disaster? We have small rural schools. I have them in my riding. I visit them all across the province. With the funding formula, if you have a small rural school, it doesn't generate enough money for a principal, a secretary or a custodian. So we have small rural schools in this province that have teachers in the classroom and not another person in the building.

It was brought to my attention by a parent who had a personal problem. Their spouse had been in an accident and they needed to phone the school to tell them that they were on their way, were going to pick up their daughter and were going to go to the hospital. They got an answering machine at the school. This government doesn't feel it's important to have someone at a school to answer the phone. They had to leave the message that they were on the way, and then the school would pick the message up at the end of the school day when one of the teachers went into the office and retrieved the messages.

1650

Safety? Not at all. We've got those kids in the school with no circle of protection around them. We don't have a gatekeeper in far too many of our schools. With emergency readiness, it can be a major disaster or it could be one individual doing actions—we've seen hostage-takings in parts of the world that were horrendous. We need to restore to our schools a sense that this province values the students and will ensure that they are safe. The teachers are doing a great job, but the empty offices at the front door just increase the risk for our young people.

We need to ensure, in the event of a disaster, that we can provide some essential services. We live in a rural area, and if the electric system goes down, we lose not just the heat and the light but we lose our water supply. And if we're going to have urban areas struck by disaster, we need to have in place things that ensure that power continues to flow to the pumps. People need water to drink. We need water for fire protection.

There are so many things that I'm sure this bill wanted to address, but they are things that have to be accommodated by discussions, co-operation and indeed funding to the municipalities involved. That is not going to happen under this bill. This bill arbitrarily says, "Here's the new bar. We're setting it a certain height." I agree with that height, but it's no use to say—we have a number of children. I can't say to one of my children, "Go to the store and buy a loaf of bread. I require you to go and buy a loaf," but give them no money. So they're pretty hollow words when we say, "Municipalities, you have to do this. You have to meet these standards. You have to be ready."

It needs to be done. We have neglected it. I think everybody's been guilty of that. I can remember the day, with Emergency Measures Ontario, when we used to have these sirens up on the school roofs. They used to go off from time to time. And you know how we fixed them from going off? We cut the wires going to them. That was the way we silenced them, because we lived in a world where we had a sense that we weren't worried about terrorism, weren't worried about bad things happening to us. The world has changed so dramatically now that we need to recognize that it's not enough just to talk about it. We have to fund it.

As the member for Brant said earlier, this province has traditionally not funded things such as our fire services. Very clearly, we're asking them to take on roles that we didn't ask them to take on 10 years ago. We're asking

municipalities to do more things. In my community, with Highway 401 running through it, I watch the volunteer fire departments from my area spend, I don't know, a third or maybe half of their calls out on the 401, which is really a provincial responsibility. They're out on the 401 extracting victims from vehicles, helping with fires etc.

We're all in this together. It is not good enough to simply give orders to someone. We're all in this together. I support the concept of the bill, but I have no choice but to vote against it, because yet again the invocation of time allocation on it will prevent this bill from becoming what it truly could be, which is a great bill.

Mr Wayne Wettlaufer (Kitchener Centre): I listened with great interest to the member opposite, the member from Prince Edward-Hastings. Let me start off by saying that I'm truly disappointed to hear how bad, how depressed things are in his riding of Prince Edward-Hastings. My son-in-law Ryan Bell comes from that area, comes from that riding, as a matter of fact, and his parents and his grandparents still live there and they've told me about what a great place it used to be. When we had a different member here, four years ago, we never heard about how depressed it was but rather how good it was, so I would suggest that maybe after the next election it would be a lot better if we had another member from the Progressive Conservative Party, and we will take every step we can to ensure that we do have another member from the Progressive Conservative Party in that riding at that time.

It's really interesting when I hear the members opposite talk about the need for another time allocation motion and about how much legislation was passed in a previous government without time allocation. But a member from that previous government was here recently and I had a long chat with him. He said in all his years in his government, he had never seen the vicious tactics employed by an opposition that he is seeing, that he is witnessing here now. He said, "You know, there was a level of co-operation between government parties and opposition parties back then. It's shameful the tactics the opposition employs now." I just pass that on for the record.

I have to say that I also heard my colleague Bob Wood, the member for London West, speak about the need for Bill 148, An Act to provide for declarations of death in certain circumstances and to amend the Emergency Plans Act. I think September 11, 2001, if we can go back to that, changed life for all of us. I remember—and I'm not afraid to admit this—I was out golfing the morning of September 11. I was golfing with a couple of business people who wanted to use that opportunity to discuss some issues of concern to them in my riding. We came off the golf course and the one student who works there for the summer said, "Did you hear the news? The World Trade Center has just been bombed." Then he explained that airplanes had flown into it, that many people were killed and that the World Trade Center had collapsed.

The feeling of disbelief that came over me—I actually smiled, because I was looking for the punchline. I thought it was a joke. I could not believe that this had actually taken place.

This feeling of security and complacency that we have as citizens of this wonderful country called Canada, in this lovely continent of North America, was shattered. I can only say that it was devastating. It was devastating for me; it was devastating for everyone who lives here.

Suddenly a couple of weeks ago there was a bombing in Bali. We have a terrorist group around the world that is determined to destroy our economy, destroy our way of life, destroy tourism throughout the world. They will do anything they can to achieve their own ends, even to the point that when sniper assassin attacks take place, as they did in Maryland, people are searching to see whether or not that is related to al Qaeda or some other terrorist organization.

That's why it was important for our government to move quickly, as we did after September 11, 2001, to ensure the ongoing safety of our residents in this great province. This government has invested more than \$30 million to fight terrorism. The members opposite say, "Oh, \$30 million isn't enough." Every time we make an announcement of money being spent in this province, the people opposite say, "It's not enough." How many times have we heard that in this place?

Interjection.

Mr Wettlaufer: You people opposite would increase spending on absolutely every area in this province. You could increase spending to \$100 billion so fast you would increase the debt to \$30 billion or \$40 billion each year. You don't have any concept of how much \$30 million is; the people in Ontario do. You people are out of touch with your own constituents.

1700

This government can't go it alone. The federal government must also act to close the gaping holes in our immigration laws. They need to protect our borders. They need to identify and stamp out terrorist cells. We've read recently—well, in the last couple years, I guess—about the marijuana home-grow operations. There's been some suspicion in some parts of the country that the proceeds from these home-grow operations are being used to finance terrorist activities throughout the world. Maybe they are, maybe they aren't, but the point is there are thousands of these going on throughout Canada right now and it is not inconceivable that they can generate \$300,000 to \$350,000 of tax-free, ill-gotten income every two to three months. One of these home-grow operations in a home can generate 350 plants. At \$1,000 a plant, you're looking at \$350,000, and you have thousands of these throughout the country. Perhaps this money is going to terrorism.

Hon Mr Galt: Two crops would pay for the house.

Mr Wettlaufer: Yes, two crops would pay for the house—you said it. One crop would pay for the house.

Our Minister of Public Safety and Security, Bob Runciman, asked the federal government yesterday or a

couple days ago to impose much stricter minimum penalties in order to ensure that some of these home-grow operations are cut out. Right now what is happening is that judges are handing out very minimal sentences, often conditional sentences. I have to say, this is subject to federal law. They provide for very weak minimum penalties.

Municipalities also have a role to play, and this government will work with them. The bill changes the name from the Emergency Plans Act to the Emergency Management Act. It improves or expands the scope of the act. If passed, and I expect it will, the act is being amended to provide for every municipality in the province developing and implementing an emergency management program. Presently the act permits municipalities to develop a plan; now it will be mandatory. The local council will pass a bylaw to adopt such a program and that will ensure that all residents will know that their local council is in sync with the rest of the province. There will be consistent standards throughout the province.

The emergency management program will be more than just a document; it will be real, current and complete. Not only will the municipality have to implement a plan, but its employees will have to be trained and regular exercises of the plan will have to be carried out. What we have found is that while 90% of the municipalities presently have plans, less than 50% of them actually have training programs in effect for their employees.

The public will also have to be notified on the risks to public safety and will have to be made aware of plans for preparedness for emergencies. Speaker, you're as old as I am—unfortunately, you are. You will remember back in the 1950s we used to have air raid sirens going off all the time. As children, we were being prepared in the event of an air raid. We had to get under our desks in the schools and be prepared. It may be necessary to have an education program again in effect so the people of the municipalities, the people of this province can be prepared for an emergency.

In developing the emergency management program, every municipality will have to identify and assess the various hazards and risks to public safety that could lead to an emergency if certain infrastructures, such as our nuclear plants around the province, are compromised. And in those geographic areas where a specific type of emergency might exist, municipalities, under direction by the Lieutenant Governor in Council, can be directed to ensure their emergency plans address their special circumstances.

Because the nature of emergencies, whether man-made or natural, is constantly changing, municipalities will be required to review their emergency plans annually to make whatever changes are required. These plans, therefore, are not just going to gather dust on somebody's bookshelf someplace, but they will change to reflect the needs of the municipalities and the province.

We realize that Bill 148 will put additional pressure on municipalities to be prepared, but we are also putting additional pressure on ourselves, the government of Ontario. We are going to take positive steps, through this act, to ensure that all ministries that would be affected by emergencies are also prepared. Every minister of the crown who presides over a ministry of the government, and every agency, board, commission and other branch of government designated by the Lieutenant Governor in Council must develop and implement an emergency management program. All ministry employees must be trained in the plan and know the procedures to be followed in emergency response and recovery activities. Each of those 12 designated ministries must identify and assess the various hazards and risks to public safety that could cause emergencies and, like municipalities, they must review and, if necessary, revise their emergency plan every year.

All municipalities and all ministries must submit their emergency plans to the chief of Emergency Measures Ontario, thus ensuring that EMO, a central repository for emergency plans, will have the latest version of those emergency plans. Emergency Measures Ontario will become Emergency Management Ontario to again reflect its expanded mandate.

The legislation we are considering today is very important. It is very vital to the ongoing safety of our communities and the government. We have doubled spending. And although the bill was introduced as a direct result of the terrorist activities of September 11, it is important to note that it will also apply in those cases of natural disasters, natural emergencies, like the ice storm in eastern Ontario in 1998.

I ask all members to give very strong consideration to passing this bill. I ask them to give very strong consideration to co-operating with the government in an effort to ensure that the people of Ontario are adequately protected. I know some of them feel that it's not adequate. They may honestly feel that it's not adequate or they may be acting politically and opposing it for the sake of opposing it, as they often do. I'm not going to question their motive; I don't do that. But I ask them to consider themselves, that if they are opposing the legislation or if they are opposing time allocation only for the sake of opposing it, to give strong consideration to their motives because the people of Ontario deserve adequate protection. They don't need this adequate protection a year from now. They need it now. That is why it is so important that we move ahead with this.

1710

For the sake of the members opposite and the people of Ontario, I want to go back to some quotes of support back when we passed the emergency act. I refer to Fred LeBlanc, president of the Ontario Professional Fire Fighters Association. He says, "Bill 148 ... is a good first step and opportunity toward making the citizens of Ontario safer. By ensuring that municipalities must have emergency planning in place will force long overdue inventories of our emergency services and their effective-

ness to respond to large-scale incidents.” He said that. I directly quoted from what Fred LeBlanc said.

Ann Mulvale, the president of the Association of Municipalities of Ontario, says, “This legislation will certainly assist Ontarians and their communities to prepare for emergencies and save lives in the future.... Municipal leaders are committed to ensuring that their emergency plans work and that emergency services are ready to respond.”

J.P. Bernier, vice-president and general counsel of the Canadian Life and Health Insurance Association, said, “We would like to commend the government for taking this legislative initiative in response to the 9/11 tragedy, of seeking to remove many of the legal and procedural obstacles standing in the way of families and representatives endeavouring to settle the estates of persons who have either disappeared in known tragic circumstances and whose remains cannot be found or of those persons who have simply disappeared and have not been seen or heard from for many years.”

All three of these experts want the legislation passed. They support it in the interests of Ontarians. They don't support it thinking it might pass six months or a year from now. They want it passed now. The interests of Ontarians are served if this legislation is passed now. I urge the members opposite not to oppose this for the sake of opposing it, but to please consider the interests of Ontarians.

Mr James J. Bradley (St Catharines): There's both a benefit and a liability to a time allocation motion. The liability, of course, is that it's yet another example of the government trying to close down debate on an important issue before the House. The advantage is that it allows the flexibility for those of us who wish to offer an intervention, the flexibility of being able to speak of a number of issues despite the fact we are talking about a time allocation, so I will utilize the latter to some advantage.

First of all, I must say that in principle I vote against time allocation motions. I think everyone in opposition should do so. I think there are some in government who should, if not vote against the time allocation motion, absent themselves from time to time because they recognize this is the crushing of debate on yet another subject before the House.

What people have to know is that the government will win every vote in this House. They have a majority and if their whip, the person in charge of getting everybody together for the vote, does his or her job, that means the government has guaranteed winning every vote in the Legislature. So the concern that somehow, if the opposition votes against a time allocation motion, it has some effect is nonsensical.

I wish that instead of discussing a time allocation motion this afternoon, once again we were dealing with the issue that's on the minds of all members of the Ontario Legislature, and that's the issue of their hydro bills that are coming in at skyrocketing rates. On a daily basis I receive probably a dozen telephone calls, letters,

e-mails and other communications from people who are expressing their concern about the skyrocketing hydro bills they're facing.

They would understand if it were a very modest increase, particularly in light of weather conditions and so on; they're not people who are not understanding of that. But what they're seeing is a doubling and a tripling and a quadrupling of those bills, and it's particularly difficult for people on a fixed income or people who have a very modest income from which to pay their bills. At the same time they're receiving these huge hydro bills, I have to say that they're also receiving huge insurance bills because insurance rates are going up. Water bills are now increasing. Even before the legislation is passed, municipalities are now increasing their water bills. Natural gas bills are going up. If you go to the pump, despite the fact there were the gas-busters on the other side who were going to bring down the price of gasoline at the pump, we see that that has gone up as well. This is what is confronting people and this is what they want us to talk about in the House.

I suspect that tomorrow or some time this week the government will withdraw from its present position; that is, it will start to either cap or freeze or promise an instant rebate, something of that nature, because even members of the government are expressing behind closed doors to the Premier and members of the cabinet their concern that this is having a devastating effect on the people they represent and, second, that it will have a devastating political effect on the government if something isn't done to stop it.

Unfortunately, the people of this province were promised when the government brought in its plan that there would be a reduction in the cost of electricity and there would be all kinds of new generating capacity coming on. Exactly the opposite has happened. Even those who were applauding the government for its initial plans out there in the private sector are saying today that the government has botched the way it has implemented them and as a result we have neither new capacity nor lower prices. We have capacity which seems to be diminishing and prices which are escalating at an unacceptable rate.

I expect some time this week we're going to see the government retrench. You'll hear the bugle of retreat being sounded, you'll see the white flag coming up, and the government will understand that it has made a drastic error and that unless it withdraws from that error it will be in considerable trouble.

Mr Bart Maves (Niagara Falls): What's the error? Tell us what the error is.

Mr Bradley: I want to say to my good friend from Niagara Falls, because he would agree with me on this, that one way of increasing capacity to a certain extent would be to proceed with what he and I would call the Beck 3 project, increasing capacity at Niagara Falls. It would create for his riding and for the Niagara region hundreds upon hundreds of new jobs in construction alone. It would also of course increase the generation

capacity for Ontario Power Generation to come on to the grid, enough to light a city such as Kitchener, for instance, that kind of capacity. The member for Kitchener would love to have that, I'm sure, on the grid.

Best of all from an environmental point of view, it would be benign. The Chair of the alternative fuels committee is with us this afternoon and he will recall our many discussions in committee about the advisability of proceeding with the Beck 3 project. So I hope that the Premier will listen to what the Leader of the Opposition, Dalton McGuinty, had to say when he was in Niagara Falls and in this Legislature, and what I have said for a number of years, that it's advisable to proceed with Beck 3. I know I can count on my good friend from Niagara Falls. And the Deputy Premier would be in favour of it; I know that as a fact.

We would all be happy if the government proceeded with it. I would applaud. Of course, I would point out the government was capitulating to pressure from the opposition, that would be my role, but I've got to tell you—and from our committee. Doug, from our committee, was very positive about that opportunity. He and I would agree on that. So I hope that announcement is to be made. I suspect it might well be made, because the government needs this capacity.

1720

I want to say as well that this afternoon, rather than a time allocation motion, I would like to be discussing the disaster situation facing the ambulance dispatch service in the Niagara region. I received a call that said the dispatch service is down this afternoon. Apparently there's a technical problem, and they're operating with some kind of makeshift technical equipment at this time. That is totally unacceptable.

If you had asked me two years ago, "Do you think the province should be in charge of land ambulances and the dispatch of those," I would have said, "Yes, the province should have that service if it invests the proper funds in it and so on." A decision was made by this government to transfer land ambulances to the local municipalities. Now that that decision has been made, the local municipalities are saying, "We would like the opportunity to be in charge of the last aspect of it, the ambulance dispatch."

In Niagara, people such as the member for Niagara Falls and me face this situation: we would like to have people working in that office who know Niagara and its street and grid systems intimately, so that the risk of mistakes being made is considerably diminished. What we have instead is a central dispatch system in Hamilton which is drastically underfunded, the people are not appropriately trained by the Ministry of Health, the equipment is outdated and the people aren't familiar with the local road system because they must deal with several municipalities. In exasperation, the regional municipality of Niagara, like the city of Ottawa—and successfully in the case of Ottawa—has asked for the transfer of that to the local municipality with appropriate compensation for the transfer and for assuming that responsibility.

It makes sense. We need a Niagara dispatch service. Tragically, there have been some errors made in dispatch and, as a result, it is alleged that people have died. In some other cases, people have been delayed getting to the hospital, so that their state of health is worse than it might otherwise have been. I can think right off the top of my head of three individuals I know personally who have experienced that situation.

One was with the recent death of a person I happened to know extremely well. I was at the funeral and somebody came up to me and said, "Do you know what the situation was in terms of the ambulance dispatch?" In the opinion of this friend of the deceased, that person would have easily lived if the ambulance had been there on time and the dispatch had been done appropriately. That's sad. It's a situation that will be left up to the coroner and, if there are any, up to the legal proceedings.

I say to members of the government that you have to move expeditiously to transfer this responsibility now, along with the funding, to the regional municipality of Niagara. They're prepared to take it on, as was the city of Ottawa, and I think that's probably the best solution.

As for the central dispatch centre in Hamilton, operated by the Ministry of Health, it will still require updated equipment. It will require people who are well compensated, so that you don't have a turnover of people on almost a monthly basis, and you don't have a workload that's so great that it makes the job stressful, people want to leave and mistakes can be made.

There was secret report—my friend from Kitchener would be interested in this. The government actually kept a report on this secret for several months. Finally, an enterprising reporter was able to obtain a copy of the report, and it was a report condemning the Ministry of Health. But what I think is of even more concern to many people was that the report was kept secret. I know my friend from Niagara Falls was concerned when he learned how the government had kept that report secret, because he's obviously as concerned as I am about the dispatch situation in Niagara.

I heard my good friend from Kitchener again mention, "Where would you get some of the money?" Well, that's always a lovely open question, because this government has spent in excess of a quarter of a billion dollars on government advertising. If you took the money from government advertising and spent it on worthwhile projects, he'd be happy and I'd be happy. Now, the whiz kids in the Premier's office who say, "You have to do this advertising to make the government look good," wouldn't be happy, but I think most of us in this House on both sides would rather see that funding invested in real services.

The Minister of Long-Term Care is with us today. He knows how people reacted vehemently against the 15% increase for the fragile and elderly who are in our long-term-care homes and nursing homes, and only after a major uproar was there a little bit of a back-off on the part of the government. At first the government said, "You just have to put up with this."

Some of the members over there might think I'm just being too suspicious, but I said at the time, "You know what it was? Those people dared to sign these cards and send them in saying the level of care in our nursing homes compared to, say, Saskatchewan in 1999 is rather bad."

I see a prop on the other side being held up by the Minister of Long-Term Care. I think he's holding up a figure that says, "\$100 million," which is, I would say, about a third of what this government has spent on government advertising. I think that's what he said.

But petition after petition has been presented in this Legislature asking for a substantial investment in improving the care in our long-term homes and not pushing the cost of this on people who are often on fixed incomes, the frail and the elderly in our province. Those people are still angry by what this government did in the summer; even though it tried to make it better, it still did that.

I recognize that sometimes these petitions have some effect, and that's why I come to this House on almost a daily basis to present those petitions about matters of great concern.

Interjection.

Mr Bradley: I do sign them because members are required to sign the petitions, saying that they're in complete agreement with their contents, and I'm happy to do that.

In terms, generally, of this bill, for those on the government side, I bet you were as surprised as I was by the last provincial budget when my good friend Bob Runciman had his budget cut by at least \$60 million, because I had thought that this government wanted to portray itself as a law-and-order government. I even offered to my good friend Bob Runciman to help him get some of that money back that they had taken out of his budget, because it was a shock.

As for this bill that we have before us, I think it is important—and I hope all members of the Legislature would understand—to have a coordinated effort in terms of emergency response. Municipalities have some onerous new obligations as a result of this bill—I think they expected that was going to be the case—and I think we have to be able to respond to all emergency situations. The situation in New York and Washington, where airplanes were used as weapons, certainly brought home to us in a very sober way what can happen, and there's a need for a response to that. There's also a need for a response to other disasters. But our local municipalities are saying, "You have foisted upon us, and sometimes with a good deal of justification, new obligations which are costly. We as municipalities have only the municipal property tax, which does not take into account a person's ability to pay, or local user fees to raise funds. So we would like you, the provincial government, to be a funding partner, hand in hand, so to speak, with the municipalities."

If you want to implement the provisions of this bill, and I think there are some good provisions in this bill, I

think that it's necessary to provide those municipalities with adequate funding to be able to make the adjustments to purchase the new equipment, to train the people and to hire new people in this province. If you're to do that, I think this bill would be even better received than it has been to this point in time.

I do not project and have not projected a prolonged debate on this legislation. I can't speak for the NDP, but I don't see things in this bill that make us want to vote against the bill. I know there are some things missing in this legislation, but I think this time allocation motion, this motion closing off debate, is entirely unnecessary. I find it unfortunate that the government is employing this tactic once again.

1730

Mr David Christopherson (Hamilton West): I appreciate the opportunity to participate in the debate. Let me say at the outset that as a former Solicitor General responsible for the Emergency Plans Act, I have a great deal of sympathy for making this a priority, and quite frankly I don't have a lot of problems with the idea of making the guidelines, the regulations, all mandatory as opposed to just enabling legislation. But having said that, there are a few things that need to be said.

First of all, I want to respond a bit, like my friend from St Catharines, to the comments of the member for Kitchener Centre. You said in your comments—through you, Speaker—that the people of Ontario deserve protection now, given the nature of the bill, and made reference to what happened on September 11 and talked about other disasters, and rightly so. But let's keep in mind—don't put this on us again. First of all, my friend from St Catharines is absolutely correct: you've got a majority. At the end of the day, you can do virtually anything you want. In fact, you can even do things that are unlawful. We and citizens have had to take you to court on a number of occasions and challenge your government under the Constitution and under the charter, and you've lost them.

Mr Richard Patten (Ottawa Centre): Five times.

Mr Christopherson: One of my friends, Mr Patten, is saying, "Five times." Out of that, I'm not sure how many they lost, but probably the majority.

Mr Patten: All of them.

Mr Christopherson: He's saying, "All of them." It may be, but I certainly know, a lot of the big ones. You were told at the time, "Don't do this. It's against the charter. It's against people's rights. It's against the Constitution," and you went ahead and did it anyway. With that kind of context, don't roll in here today and try to make the argument that this thing is not law because the opposition is holding you up.

When you say that the people deserve the protection now, I look at the first and second readings. It's printed right on the front of your bill. It was introduced December 6, 2001. The member claims it was as a result of September 11. I'll take him at his word that that's what happened. They probably had these amendments under consideration in the ministry and they were

probably fast-tracked to bring them forward. Totally understandable, totally acceptable. Makes a lot of sense.

We had another session after December. You could even argue that if it was that important, you would have done it that December. If you wanted to bring in time allocation, you could have rammed it through and made it law before the end of last year. But you didn't do that. Let's give you the benefit of the doubt and say there were good reasons. I don't recall what they were, but let's just say they're there.

Now we're into the spring session. You didn't call this bill until June 27. That's probably within a handful of days of when the House rose. If this is that important, I say to my colleague from Kitchener Centre, that Ontario deserves protection now, where were you last spring? Why didn't you call this up as the first order of business, or at least within the first week? How about within the first month? Then if you wanted to make the argument we're preventing it from being law as fast as it could be and make all your arguments, you might have a case. But you let that whole session go by, all of it until the dying days on June 27, when you called it for second reading.

Now here we are into the last third—certainly the second half, and probably the last third—of this session, given that next week is constit week for Remembrance Day. You didn't even make it a priority this time around.

We may or may not decide that's something we want to attack the government for, because they let this thing lie around, but it sure takes on a whole different life when one of the government backbenchers gets up on his hind legs and says that it's all our fault, that this thing is such motherhood in terms of the protection it offers the people of Ontario that we, the awful opposition benches, ought not to be blocking this. Give me a break. That really is a bit over the top. You wonder why things that otherwise should get some support don't. You're the majority. If you want co-operation, what you do is use that power you have to give us things that we want. Usually it's more time, either on the floor of the House here or in committee. That's usually all we ask. But when there's this kind of attitude, it makes it difficult for us to stand up and want to be co-operative. I would advise the member that when he wants to point blame, he ought to start with his own government House leader and ask, "Why didn't you make this law earlier this year?" Don't point the finger at us. That just doesn't wash.

There was no need for that argument. It looks gratuitous. There was just no need to do that. It's almost like you've got a little plaque on each of your desks that just says, "Blame someone," and no matter what, during the course of a speech you've got to find somebody to blame for something. In this case, it was supposedly us for holding this up, which is nonsensical.

Interjection.

Mr Christopherson: With that, I'm about to move off, unless you want to say something else. I've got nine minutes. What have you got to say?

Mr Wettlaufer: I just said that you're a good scapegoat.

Mr Christopherson: What can I tell you? I give him a chance to heckle me and all he says is, "You're a good scapegoat."

The bill itself and changing the name from "emergency plans" to "emergency management": I don't know the history of that. There probably is a very good reason, other than just a modernization of the name. Certainly it reflects what you do in an emergency, which is manage your way through it. That's what emergencies are: crisis. All the usual systems, everything that normally happens in the course of a day, procedures, are blown out the window because you've got this crisis. So I don't know. There may be good reason, but even just from a common sense point of view, if you will, I certainly wouldn't have any problem with the fact that you've changed the name.

If I have a problem, however, it's two things. One is, once again you're making this mandatory and you want to take all the credit. It sounds a bit like what you did with brownfields and a couple of other issues where you wanted to stand up and take the credit for having done something but you weren't coughing up the bucks to pay for it.

Anybody who knows anything about what's happening in municipalities and our communities, whether it's health care, the school board or the management of municipal services, will know that the municipalities can't take any more downloading. I can tell you from my experience in Hamilton and our neighbours in St Catharines, Grimsby and all across the Ontario, that every elected councillor and every elected mayor makes the safety and security of their citizens the absolute number one priority. So every dime they can squeeze out of their budget to go to police services, to go to fire services, and now ambulance services, they do that. But it's not the end of their responsibilities. You've given municipalities a lot more.

I've got to tell you, I don't have a lot of hope that this government is going to change its tune toward municipalities because, yes, it does come down to dollars at the end of the day. Let's remember that you thought there was certainly cash enough to give out billions of dollars in tax cuts, tax cuts that benefited the very wealthy a lot more than the average working family in Hamilton. You had billions and billions—it's got to be getting close to \$10 billion annualized now—that you felt you didn't need in terms of managing the province, and so you spent it. It's an expenditure. You spent that money on a tax cut. As the books work, it makes no difference whether you spend it on a tax cut or spend it on municipal police and fire and emergency services; it's all an expenditure. That was your priority.

Yet today, they want to stand in their place and say, "The opposition wants to spend money"—I was going to say "like water," but water is becoming very much a commodity like oil. But you seem to think that we only want to spend money. I want to put it back on you that you spent all those billions, only you spent it on tax cuts. And here we are, rightfully so, talking about the security and safety of Ontarians as an absolute priority,

which it should be, but you don't have any money. So your tax cuts are more important than giving firefighters and police officers and ambulance personnel the money they need to protect our citizens on the street. That was your choice.

1740

Further to that, while you want to tell everybody else they should be responsible for the safety and security of their citizens, the line ministry that's responsible in Ontario, the former Ministry of the Solicitor General, now known as the Ministry of Public Safety and Security—you cut that operational budget by \$73 million. Since you're not spending money on very much else, it all has to be going to more of your tax cuts. You know, \$73 million would go a long way in municipalities, especially smaller ones that don't have the same base as some of the larger communities. I'm not saying the larger ones are on easy street by any stretch, but certainly \$100,000 or \$50,000 goes a long, long way in smaller communities, and there's still enough money for you to support the larger communities.

Why should this matter to all citizens? Because emergencies don't just happen in somebody else's community; they happen in your own, or perhaps you're visiting another municipality. The member for Kitchener Centre rightfully pointed out the ice storm as an example of a natural emergency. It was a good example. But it would have been just as easy for someone who lived in western Ontario to have found themselves on the border of Ontario and Quebec, caught up in that emergency and stranded without power and water and all the other services that were denied as a result.

So I agree entirely that this is a matter for all of us, and it's not just terrorists. I would say that probably most emergencies and crises that happen within our communities are not terror-related but are either some kind of structural problem, like a roof caving in on something, or indeed a natural disaster, as my friend has pointed out. So this is important. It affects all of us.

In the last couple of minutes I do want to point out and brag a little about Hamilton. Hamilton has been providing the major conference on emergency planning that is recognized around the world, and we've been doing it—I should know the year—for probably the better part of a decade now. Long before September 11 was imagined in anybody's worst nightmare, long before the ice storm disaster, Hamilton was developing expertise in this area. The conferences, the symposiums that are held every year are now attended by government and business representatives from around the world. That's how far advanced Hamilton is in terms of emergency planning. But even we in Hamilton would like to do a better job, and whether or not we're going to meet these standards remains to be seen, because we don't know what those final regulations are. And since you won't put in the bill a guarantee that you'll at least consult—not even consider, just consult—with anyone else, we don't know what those standards are going to be or who's going to get the final say in what they look like. I'll bet that even

Hamilton, as advanced as we are in emergency planning, is still going to have some difficulty meeting some of the standards you're rightfully going to want to set but don't want to give us any money to help out.

I don't normally go out of my way to say nice things about Liberals, but I will give Paul Martin this much. I was at the FCM conference, because it was in my riding, and I was sitting in the front row when he made a commitment to municipalities that I have never heard before from any federal minister of any political stripe. Unfortunately, he was fired within 48 hours and it remains to be seen where that is at the end of the day.

I want to end my remarks where I began them: I don't have a lot of hope that you're going to do anything different between now and the next election, and we debate that point virtually every day here. I do have hope that the federal Liberals will honour the commitment. If it's Paul Martin who's elected, or somebody else, so be it, but somebody's got to step in and start supporting municipalities. And I'm not just making these comments for what might appear to be obvious reasons. I'm not the only one saying that. Municipalities, at the end of the day, are where our families are raised. That's where we live. That's where local economies work or don't work. It's defined by how well our municipalities function, and they're in crisis. So, good idea, the right thing to do, but the municipalities need some money to do the job properly.

The Acting Speaker (Mr Michael A. Brown): This completes the time allocated for debate.

Mr Galt has moved government notice of motion number 51. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1746 to 1756.

The Acting Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Hardeman, Ernie	Newman, Dan
Baird, John R.	Hudak, Tim	O'Toole, John
Barrett, Toby	Jackson, Cameron	Ouellette, Jerry J.
Beaubien, Marcel	Johns, Helen	Sampson, Rob
Chudleigh, Ted	Johnson, Bert	Snobelen, John
Clark, Brad	Klees, Frank	Spina, Joseph
Clement, Tony	Marland, Margaret	Sterling, Norman W.
Coburn, Brian	Martiniuk, Gerry	Stockwell, Chris
DeFaria, Carl	Maves, Bart	Tascona, Joseph N.
Ecker, Janet	Mazzilli, Frank	Tsubouchi, David H.
Elliott, Brenda	McDonald, AL	Turnbull, David
Flaherty, Jim	Miller, Norm	Wettlaufer, Wayne
Galt, Doug	Molinari, Tina R.	Wilson, Jim
Gilchrist, Steve	Munro, Julia	Witmer, Elizabeth
Gill, Raminder	Murdoch, Bill	Wood, Bob
Guzzo, Garry J.	Mushinski, Marilyn	

The Acting Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Cordiano, Joseph	Martin, Tony
Bartolucci, Rick	Crozier, Bruce	McGuinty, Dalton
Bisson, Gilles	Curling, Alvin	McLeod, Lyn
Bountrogianni, Marie	Di Cocco, Caroline	McMeekin, Ted
Boyer, Claudette	Duncan, Dwight	Parsons, Ernie
Bradley, James J.	Gravelle, Michael	Patten, Richard
Bryant, Michael	Hoy, Pat	Peters, Steve
Caplan, David	Kennedy, Gerard	Phillips, Gerry
Christopherson, David	Kormos, Peter	Prue, Michael
Churley, Marilyn	Kwinter, Monte	Pupatello, Sandra
Cleary, John C.	Lalonde, Jean-Marc	Ramsay, David
Colle, Mike	Levac, David	Ruprecht, Tony
Conway, Sean G.	Martel, Shelley	Smitherman, George

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 47; the nays are 39.

The Acting Speaker: I declare the motion carried.

ADJOURNMENT DEBATE

The Acting Speaker (Mr Michael A. Brown): Pursuant to standing order 37, the question that the House do now adjourn is deemed to have been made. The member for Davenport has given notice of his dissatisfaction with the answer to a question given yesterday by the Minister of Health. The member for Davenport has up to five minutes to debate the matter, and the parliamentary assistant or the minister may reply for up to five minutes.

DOCTOR SHORTAGE

Mr Tony Ruprecht (Davenport): I was not satisfied with the answer the minister gave me when I asked him about the crisis that some communities are experiencing in terms of doctor shortages in Ontario.

I had indicated to him that his exciting, what he calls "fast-track" program accepted only 44 out of 709 doctors who applied.

But let's start from the beginning. Ontario is desperate for doctors. Right now, the province is short 1,585 positions, including specialists. That number could double in 10 years as more than 3,000 doctors approach retirement age. The Ontario Medical Association estimates that the doctor shortage will negatively affect nearly one million people in Ontario. That is unacceptable.

The Harris-Eves Tories commissioned several studies into the doctor shortage but failed to act for months, despite urgings from Dalton McGuinty and the Ontario Liberals. In February 2001, Dalton McGuinty released his physician shortage action plan, which detailed several ways in which the government could take action to address the problem. To date, the government has acted on some of these recommendations that were contained in the Dalton McGuinty plan, but more needs to be done.

One short-term solution to addressing the physician shortage is accessing foreign-trained doctors who are living in Ontario. There are no accurate statistics on exactly how many licensed physicians from other countries have immigrated to Canada and live in Ontario.

The Association of International Physicians and Surgeons of Ontario represents over 1,000 internationally trained doctors, but they estimate that twice as many may reside here in Ontario.

Right now in Ontario there are 90 positions available to allow foreign-trained physicians to become licensed, 50 positions within the traditional accreditation program that can take up to five years, and 40 new positions within the six-month assessment period.

In 2002, over 500 people applied for 40 positions available in the fast-track program. Some 327 foreign-trained physicians applied for the family medicine portion of the fast-track program, but do you know how many were accepted? Only four.

The barriers facing foreign-trained physicians trying to get licensed in Ontario are varied:

(1) There are not enough residency positions to accommodate foreign physicians who have been deemed qualified to fill them. Without this residency, most foreign-trained doctors cannot be licensed. We need to increase these residency positions.

(2) Various exams and residency requirements do not offer enough flexibility.

(3) The cost of the qualifying process: the cost of tests alone can amount to over \$5,000.

Ontario Liberals believe that accessing foreign-trained physicians is a key part of the solution to our doctor shortage. We believe the high standards for professional accreditation must be maintained, but that more foreign-trained physicians must be licensed to practise medicine here. These two objectives are not mutually exclusive.

Finally, Dalton McGuinty and Sandra Pupatello have created a foreign-trained physician registry that will record information on the number and whereabouts of foreign-trained doctors living in Ontario. The purpose of the registry is to gather information that will allow Ontario Liberals to better gauge how many foreign-trained doctors are living in Ontario—but not only Liberals; every party is interested in this program and should therefore listen—and to assess what obstacles they encountered while trying to become licensed to practise medicine here in Ontario.

I want to announce right here that Dalton McGuinty's foreign-trained physician registry can be accessed at www.daltonmcguinty.com. If anyone is interested in this program and wants to register, please follow this: www.daltonmcguinty.com is the way to go.

So I say to this minister, he has not properly answered my question: why is it that we have created a bottleneck in Ontario? It makes absolutely no sense to have foreign-trained physicians living right here—the numbers are great, some estimate over 3,000—and at the same time we have a doctor shortage. This cannot be.

Hon Tony Clement (Minister of Health and Long-Term Care): I would like to thank the member for Davenport for allowing me this opportunity to inform not only this House but all Ontarians about the initiatives of the Eves government in the field of physician supply.

First, with your indulgence, Mr Speaker, I would like to dwell upon several accomplishments of the Eves government that we have made up to this point in health care. In 1995 health care spending stood at \$17.6 billion. Today we are spending \$25.5 billion, or 47 cents on the dollar. To put it another way, this government has increased spending on health care by 45%. Our government has increased per capita spending on health care by almost 25% since 1995. We have increased spending on hospitals by over \$2 billion, or almost 30%. We have increased the number of MRI machines to 43, an increase of over 350% from the 12 that were operating under the NDP and Liberal governments. Not only that, our government in May of this year announced plans to add up to 20 new MRI machines over the next little while.

This government has introduced initiatives such as Telehealth Ontario and the universal influenza immunization program. We've also added over 1,300 products to the Ontario drug benefit program. We're doing all this despite the fact that the opposition's Liberal cousins in Ottawa have failed to live up to their end of the bargain in funding health care. In 1995 the Chrétien-Martin government contributed 18% of health care costs. Today, due to the decreases in transfer payments, the federal Liberals have contributed only 14 cents on the dollar.

In response to the member for Davenport and his question on physician supply, I would be happy at this time to inform him of what the Eves government has done so far and what we are planning to do in the future. Since 1999 our government has increased enrolment in medical schools by 30%, to almost 700 first-year positions. We are offering up to \$40,000 in tuition reimbursement and location incentives for medical students to practise in underserved areas upon their graduation. We are creating a new northern medical school with campuses in Sudbury and Thunder Bay. In September 2004, over 50 first-year students will be enrolled to help serve northern Ontario's need for health care professionals. This is the first new medical school to open in Ontario in over 30 years. We sponsored the 2002 health professionals recruitment tour. Since this government was elected in 1995, the number of active physicians has increased by 4.4%.

In terms of international medical graduates, our record is one of innovation second to none. Since 1999 we have increased the number of physicians in the international medical graduates program. Today 90 foreign-trained physicians are eligible for the program every year. We believe that foreign-trained doctors and medical specialists represent an invaluable source of skilled providers who can bolster the supply of doctors in underserved areas. Yes, it is true: this government will be making an important announcement very soon regarding international medical graduates. While I realize the member for Davenport is anxiously awaiting the announcement, he, like everyone else, has to wait for the final details to be resolved, and at that point we will be making the announcement. I'm sure that he will agree with me on the importance of this announcement, and I'm looking

forward to his support once the announcement has been unveiled.

Talking about international medical graduates, it's interesting to see how the Liberals are addressing this issue. So far the only peep of policy coming from across the floor can be found on their Web site. I noticed, as the honourable member mentioned, that they are initiating the foreign-trained physician registry. It reminds me, perhaps, of The Bay's on-line bridal registry in terms of the paucity of information. I noticed as well that you can also get Gerry Phillips's treasury watch on this particular Web site, but it says you need the Adobe Acrobat Reader. I always knew he was very acrobatic when it came to his figures, but I'm glad to see that's available.

When average Ontarians look at the facts and see the progress the Eves government is making on international medical graduates, and compare this to the Liberals, they will once again come to the conclusion that the Ontario Liberals and Dalton McGuinty are still not up to the job.

1810

SLOT MACHINES

The Deputy Speaker (Mr Bert Johnson): Pursuant to standing order 37(a), the member for York Centre has given notice of his dissatisfaction with the answer to his question given by the Premier concerning Picov Downs.

Mr Monte Kwinter (York Centre): The reason for my dissatisfaction is that I am trying to get a very simple answer and am getting sort of a partial answer. The reason for my concern is that this issue is very, very confusing, in that different positions by different ministers are being put forward.

For example, on April 10, Tim Hudak, who at the time was the minister responsible, wrote to Norman Picov, who is the operator of Picov Downs, and said: "I am writing to advise you that the OLGC has been directed to begin discussions with you for the establishment of a slot machine facility, with up to 800 slot machines...." What he's saying is that they have been directed to enter into discussions for them to get these slot machines. He said, "This decision is further to a cabinet direction in December for the OLGC to complete a business case for slots at Picov Downs" and Quinte Exhibition Raceway. This means that in December the cabinet direction was, "Do a business case and see whether it makes any sense to put these slot machines into this facility." The letter goes on to say, "In March, cabinet reviewed and approved the business case as part of the provincial gaming strategy."

This letter is very clear. It talks about a direction to the lottery corporation in December to do a business case. In March, cabinet reviewed it and approved it. You'd think that would be very straightforward; that's the end of it.

What has happened is that we have two confusing statements by Tim Hudak, and then on October 31, 2002, last Thursday, Mr Flaherty, when he was debating my motion to call for a public inquiry, revealed that at the

December 2001 cabinet meeting a decision was made to permit Picov Downs to implement a slot machine facility.

On one hand, we have Mr Flaherty saying it was done in December, and on the other hand, Mr Hudak says it was done in March. Compounding the problem, Susanna Kelley of TVO, on her program, Fourth Reading, showed a leaked cabinet document that said the decision was made on March 6, 2002. So here we have confirmation that it was in March, and on the other hand we have one minister saying "December" and one minister saying "March."

Why is that important? The reason is that there's another whole element to this, because the Attorney General, who now has responsibility, keeps saying they may not get any slot machines. That, of course, was confirmed today by the Premier. He said, "He will have to wait until they have finished their deliberations to give him the actual answer as to how many machines, if any, Picov Downs will be allowed." Why would you, as the Finance Minister and the member for the Durham region, announce that you got it if there's a possibility you might not get any?

The other problem is that today in question period, when I questioned the Premier, he said, "It is my understanding that a decision was made with respect to Picov Downs...." So now the Premier has confirmed that a decision has been made. When I questioned why one minister was saying one thing and the other minister was saying something else, he said, "I don't believe what those two individuals said is exactly accurate."

That presents a whole new range of issues. If the Premier is saying that what Mr Flaherty is saying and what Mr Hudak is saying is not exactly accurate, then whom are we to believe? All I want is a definitive answer, just so I know what we're dealing with. Was the decision taken? We've seen a leaked cabinet document that says the decision was taken March 6. Minister Hudak wrote a letter to the applicant saying that in March the cabinet reviewed and approved the decision. We have Mr Flaherty saying it was done in December. Not only

that, Mr Hudak says the decision in December only says there is to be a business—

The Deputy Speaker: The member's time has expired. The Chair recognizes the member for Bramalea-Gore-Malton-Springdale.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): In answer to the member's question, in December 2001, cabinet directed the Ministry of Tourism, Culture and Recreation to proceed with allowing Picov Downs to implement a slot facility once—this is important—the OLGC completed a business case for Picov Downs. That is important.

This government will continue to take a responsible approach to gaming. We are still going through the process. The final number of slot machines for Picov Downs has not been decided. I think that was one of the questions. Picov Downs will follow the exact same impartial process that has been used for more than a dozen racetracks all across Ontario.

The government's decision to locate slot machines at Picov Downs is based on a business case prepared by OLGC and the existence of approved local zoning bylaws. Before the government is in a position to confirm any number of slots, Picov Downs must, among other things, meet Ontario Racing Commission licensing requirements, develop a business plan supporting a racetrack with slot machines, negotiate a revenue-sharing agreement with the province and enter into a site-holder agreement with the OLGC.

Across the province, the slot machine initiative has proven to be extremely successful, as you may know. It has created more than 3,000 new jobs, helped develop the 45,000-person-strong horseracing industry and provided almost \$112 million to municipalities which host slot machines at racetracks. I know at Woodbine, which I live close to, there are a number of slot machines, and I suppose it's a mutually beneficial type of arrangement.

The Deputy Speaker: The business of the House is finished, and it stands adjourned until 6:45 this evening.

The House adjourned at 1818.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

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Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Haldimand-Norfolk-Brant	Barrett, Toby (PC)
Ancaster-Dundas-	McMeekin, Ted (L)	Haliburton-Victoria-Brock	Hodgson, Hon / L'hon Chris (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
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Beaches-East York	Prue, Michael (ND)	Hamilton East / -Est	Bountrogianni, Marie (L)
Bramalea-Gore-Malton-	Gill, Raminder (PC)	Hamilton Mountain	Christopherson, David (ND)
Springdale		Hamilton West / -Ouest	Dombrowsky, Leona (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hastings-Frontenac-	
Brampton West-Mississauga /	Clement, Hon / L'hon Tony (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Lennox and Addington	
Brampton-Ouest-Mississauga		Huron-Bruce	Johns, Hon / L'hon Helen (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Brant	Levac, Dave (L)		Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kenora-Rainy River	Gerretsen, John (L)
Burlington	Jackson, Cameron (PC)		
Cambridge	Martiniuk, Gerry (PC)	Kingston and the Islands /	
Chatham-Kent Essex	Hoy, Pat (L)	Kingston et les îles	Wetlaufer, Wayne (PC)
Davenport	Ruprecht, Tony (L)	Kitchener Centre / -Centre	Witmer, Hon / L'hon Elizabeth (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Don Valley East / -Est	Caplan, David (L)	Kitchener-Waterloo	Beaubien, Marcel (PC)
Don Valley West / -Ouest	Turnbull, Hon / L'hon David (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation	Lambton-Kent-Middlesex	Sterling, Hon / L'hon Norman W. (PC) Minister of Transportation / ministre des Transports
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Wellington-Grey			Cunningham, Hon / L'hon Dianne (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Durham	O'Toole, John R. (PC)	Leeds-Grenville	Wood, Bob (PC)
Eglinton-Lawrence	Colle, Mike (L)		Mazzilli, Frank (PC)
Elgin-Middlesex-London	Peters, Steve (L)	London North Centre /	Tsubouchi, Hon / L'hon David H. (PC) Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
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Essex	Crozier, Bruce (L)	London West / -Ouest	
Etobicoke Centre / -Centre	Stockwell, Hon / L'hon Chris (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	London-Fanshawe	
	Hastings, John (PC)	Markham	
Etobicoke North / -Nord	Kells, Morley (PC)		
Etobicoke-Lakeshore	Lalonde, Jean-Marc (L)	Mississauga Centre / -Centre	
Glengarry-Prescott-Russell	Elliott, Hon / L'hon Brenda (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance		
Guelph-Wellington			

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Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	Galt, Hon / L'hon Doug (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	Klees, Honourable / L'hon Frank (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	Clark, Hon / L'hon Brad (PC) Minister of Labour / ministre du Travail
Oakville	Carr, Honourable / L'hon Gary (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Oshawa	Ouellette, Hon / L'hon Jerry J. (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Bartolucci, Rick (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	Molinari, Hon / L'hon Tina R. (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Timiskaming-Cochrane	Ramsay, David (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
Parry Sound-Muskoka	Miller, Norm (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Perth-Middlesex	Johnson, Bert (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Arnott, Ted (PC)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Official Report of Debates (Hansard)

Journal des débats (Hansard)

Tuesday 5 November 2002

Mardi 5 novembre 2002



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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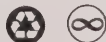
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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 5 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 5 novembre 2002

The House met at 1845.

ORDERS OF THE DAY

SAFE DRINKING WATER ACT, 2002

LOI DE 2002 SUR LA SALUBRITÉ DE L'EAU POTABLE

Resuming the debate adjourned on November 4, 2002, on the motion for second reading of Bill 195, An Act respecting safe drinking water / Projet de loi 195, Loi ayant trait à la salubrité de l'eau potable.

The Deputy Speaker (Mr Bert Johnson): The Chair recognizes the chief government whip from Northumberland.

Hon Doug Galt (Minister without Portfolio): I ask for unanimous consent that on Bill 195 this evening each party be given a maximum of 20 minutes for debate. There would be no questions and answers and that would be called a sessional day.

The Deputy Speaker: Is there consent? Agreed?

Mr Peter Kormos (Niagara Centre): If I may, Speaker, with no further business called and the House to adjourn upon the completion of that hour.

The Deputy Speaker: With that addition at the end of the request, is it agreed? It is agreed.

We are looking for debate. I'm looking to my left to the third party.

Mr David Christopherson (Hamilton West): I appreciate the opportunity to speak to Bill 195. What I find quite remarkable about this is that to listen to the government members, you'd swear clean water and the environment were the most important issues the government could ever have in front of them.

I see one of the members on the backbenches nodding their head up and down, "yep, yep, yep." That must have been what they were told in caucus. I'll cut this member a lot of slack. He hasn't been here all that long. He's probably still the newest member—not to identify anybody, AL.

The fact of the matter is that for all their bragging about what they're doing in this bill, this is still the government of Walkerton. This is still the government that Justice O'Connor said was at least in part responsible for seven people dying and over 2,000 being seriously ill, and some of those people are going to face health conditions for the rest of their lives.

I have to tell you that this did not come as a huge shock, certainly to us in the NDP. Take a look at the debates from the early days of this government. Take a look at what we said about what will happen if you cut the budget of the Ministry of the Environment by 50%. Take a look at what we said will happen to the Ministry of the Environment and the environment in general in this province if you eliminate one third of the staff. How can any of you in good conscience stand up and say you're the party of clean water when you're the government that carved up the Ministry of the Environment? Why did you do it? To put it into other people programs or protections? No, to pay for your tax cuts. That's what's borderline obscene about this.

I have a great deal of room to acknowledge that there are good things in this bill, and there are. It's not nearly what it should be or could be, but none of what's in this bill, in my opinion, justifies a single government member standing up and bragging about anything to do with the environment. You marched in there, lockstep, in June 1995 and the only thing that mattered was finding the money to pay for your tax cuts.

The Ministry of the Environment was like the Holy Grail of targets because a lot of your friends didn't like the Ministry of the Environment. They didn't like the requirements and regulations and, yes, the red tape that was in place in the Ministry of the Environment. Why? Obviously there's nothing secret about this and there's nothing that difficult to figure out. When people are investing and building things, and they spend a lot of money and time, the last thing they want to run into is some bureaucrat from the government saying, "You can't do this," or, "If you do this, it's going to cost you this amount of money," or, "You're going to have to change your plans." Who wants that, particularly if you've put an awful lot of your own personal money on the line for a development project? Totally understandable. That doesn't make them a bad human being, at least not in my books. They're doing what this system tells them they should do, especially under this government.

1850

But we have a responsibility to look at issues beyond making a buck. The responsibility of the government of Ontario in concert with the federal government and the municipal government is, yes, to provide an environment where those who want to invest that money can do so, and want to and will make a profit—not a problem—but it is the responsibility of each of those governments to

protect the citizens so that in the mad dash to make a buck some innocent child doesn't get hurt.

I, for one, have never been able to understand how this government and how some—or many, most, all, I don't know—of their members can separate being supportive of the police, being supportive of firefighters, but somehow when it comes to the environment, that's not a public safety issue. Go make that speech in Walkerton. Go up there and make a speech that says, "Environmental protection really isn't as important as police or fire." You can't make that speech.

If the government of the day does not rise to the responsibilities that are bestowed upon them, who's going to do it? There's nowhere else to go. The rest of the system out there is designed to make money, and we've all benefited from that in terms of the quality of life, the standard of life. You look over the course of history. There's lots that I hope gets improved over the years and I hope this isn't the end of the road, but make no mistake, it does work. But there's nobody else out there investing money and making a profit in saving lives. That's what you elect an MPP for; that's why you elect an MP or a city councillor or a reeve or a mayor or, ultimately, a Premier. You not only let the people of Ontario down, you did it by design.

Simply, I couldn't go on as an elected person if I believed that the other side of the House, as much as I may disagree with them on so many issues, any of them, went to bed at night and said, "I was prepared to make a trade-off of a few lives for the amount of investment the province would see." I refuse to believe there is anybody that could get elected to this place and that's the way they actually saw the world.

But make no mistake, you were told what some of the implications were and you chose to look the other way. Those of you in decision-making positions and the rest of you just followed the leader. There are lots of examples in history where, after the fact, people said, "Why did you blindly follow? Why didn't you ask questions? Why didn't you do something?" Yet to the best of my knowledge there's not one member of the Ontario government caucus who spoke out against the cuts to the Ministry of the Environment and said they shouldn't happen.

The provincial medical officer of health was in the cabinet room, and testified at the O'Connor inquiry that while he was briefing the Premier of Ontario on the implications of the kinds of cuts to the ministry that they were proposing, that Premier turned his back on him. You had no right to do that. You had no right and you still have no right to do that.

And now there are seven people dead.

When you read about some of the health conditions that some of the people in that area are going to have to live through—we're talking of hundreds of people. In a lot of cases, we're talking about children who have had permanent organ damage.

This is not just opposition rhetoric. The inquiry was very clear: your cuts were in part responsible for what happened at Walkerton. The very least you could have

done was bring in a bill that was as good as the one Marilyn Churley brought in. I don't care where you sit in this place, you've got to have respect for somebody like Marilyn, who takes an issue like the environment and, from the day she was a community activist right through to her time at the cabinet table—and I can give personal testimony; I was at the cabinet table with her—dedicated whatever political responsibility and political authority she could muster to the cause of the environment. That's the kind of person who brought in Bill 3. I know the politics that went on, some of it very disappointing, I want to say, and to the relief of some, I will not go into details. But the politics around what happened are pretty shameful. At the end of the day, that bill should have moved forward, and if there were amendments to be made, they should have been made at committee. But that bill was stronger than the one we have here.

I've got to tell you, it's easier for a government to bring in a new bill that doesn't contain some of the clauses they want to avoid, as opposed to going in and taking Ms Churley's bill and moving amendments to take things out, but that's the effect of what's happened. This is not the bill it could have been. I will say again, and as my time unwinds I will try to remember to say before I sit down, that there are some good things in here. The bill, in and of itself, is not a bad bill, as many are that come from the government benches, but it should be so much more.

At the very least, why aren't you putting back in place some things that made a difference? For example, there was a program in this province in place when this government took over called the leaking underground storage tanks, interestingly called LUST, but those were the toughest regulations in North America. And do you know what it was about? It was about holding tanks in the ground: gas, oil, other chemicals, other by-products that are buried in the ground and then just buried over and sometimes asphalted over, and then ultimately just abandoned by someone who sells the property. I represent an older community that's affected by this in a big way, and do you know what's really scary? We don't even know where all these tanks are, let alone what to do with the ones we find. Here was a huge environmental issue, because the chemicals in these tanks, the substances, would leak into the ground and ultimately into our groundwater.

Is it any surprise that it was Marilyn Churley who brought that forward? It dealt with clean water. That makes sense. I can tell you, if you're sitting in Sudbury, Windsor, Hamilton, Toronto, any of the larger, older, established communities, particularly those that have had a large manufacturing sector, if you're looking at that kind of program from where I'm looking at it in Hamilton, this is a very good thing, because it's a program and it's money to help do something about human-made danger to our clean water supply.

You killed it. You killed the program. Don't look at me like that; I'm not making this up. The program was there. It did good. Your government came into power and killed it. It's that straight-up, and if anybody wants to

argue differently, go for it. You're up after me. It's the leaking underground storage tanks. Somebody stand up and tell me during your time, which is coming very shortly, that I'm wrong, or point out to me where you replaced it with something that's equal—equal.

That's not the only example. CURB, Clean Up Rural Beaches; this one should really hit home. It was a whole program to work with farmers to keep manure away from the water supply. Does that start to ring a bell, folks? Does that start to ring a bell about what happened in Walkerton?

Interjection.

Mr Christopherson: I hear the Minister of Agriculture mumbling something. If you've got something to say, I'd love to hear it. But as far as I know, that program provided education, money and assistance for some of the very factors that created and caused Walkerton. Your government killed it because you needed the bucks. You needed the bucks to go from environmental protection into money spent on tax gifts, which is what they were and what the remain—gifts.

1900

Let's not forget, as we head into the election period, this is the same government that changed the laws—unilaterally, for the first time in the history of this place—for funding our election campaigns. No other government has changed those laws without the agreement of all three parties. You changed that too. You brought in a unilateral law that changed how elections are funded. Boy oh boy, you start to connect the dots.

You can now give 50% more money to a political party than you could before. I'm not sure how much that helps a steelworker who, at best, maybe can scrape together 100 or 200 bucks to contribute to a campaign, if they're politically aware and active. I'm not sure how much that change will affect them. But, boy, it's going to change a whole lot of huge corporations that are giving thousands, multiple thousands. Those are the folks who got the benefit of Ontarians losing key environmental protections that you killed in order to save the money and put it over here in the "Tax Gift for our Friends" column.

Why doesn't this new law say that Ontarians have a right to clean water? That's another question I would pose when the government members get up to speak. Let's not forget this is the same government that stood up and talked about rights for innocent victims of crime, only to roll in their government lawyers to argue against two Ontario women who wanted their rights upheld, the rights they were told they had by this government. You were real keen to throw around rights and pretend to give people things then. Why isn't there a simple clause that says, "Ontarians have a right to expect their government to provide them with clean water"?

A government might argue, "It could tie our hands. It might force us to spend money we don't want to spend or money we've decided to give in yet more tax cuts." Maybe. Do you know what? If you're into a down cycle in the economy, it can be that dollars are tough and, heaven forbid, you might have to go into a deficit

position for a year or two if it means maintaining the programs, staff and the checks and balances that make sure you can turn on the tap and get a drink of water and you don't have to worry about handing it to your child and giving them a fatal glass of poison.

It's a trade-off we make when we give assurances and guarantees. In the absence of those guarantees, I say people have a right to question how much commitment this government really has toward clean drinking water versus how much of it is a need to get over a political problem. Because I don't hear the government announcing that they're going to put back some of the money—let alone all of it—they took out of the Ministry of the Environment, or hire back some of those very people that this government fired. There have been a few selected announcements along the way. I remember current and previous ministers of the environment giving the odd announcement here and there. But that's not the same at all as dealing with the Ministry of the Environment the same as you would, or anyone else would, the Ministry of Public Safety and Security.

So I come back to where I began. It's not a bad bill. It's not nearly as good as it should be. This government has no right to brag about anything in here that is of benefit, because I don't think they've adequately accepted their responsibilities for what happened at Walkerton. I think every government member who speaks to this should have just a little bit of shame at the fact that it was on your watch that seven people died, that it was under your watch that half the budget was slashed and a third of the people who worked in the Ministry of the Environment, professionals whose career commitment was to protect the air we breathe, the ground underneath us and, yes, the water we drink.

More needs to be done. More people like Marilyn Churley should be listened to with respect, and what she has to say should be made into law. Then we'll be doing something about water in this province.

Mr AL McDonald (Nipissing): I take pleasure in joining the debate on the Safe Drinking Water Act. I listened very closely to the member from Hamilton West, whose party was in government from 1990 to 1995. I also went through a by-election not that long ago, six months ago, where the candidates I faced blamed me personally for Walkerton, which I guess is politics, which I think is being played here today and which I don't really care for. The fact remains that when they were in power, not once did they come to the city of North Bay and say, "Put in a water filtration plant." Not once. By the grace of God, nothing happened in my area.

I remember running in the municipal campaign, and one of the main platforms I ran on was safe drinking water. It was one of the platforms I truly believed in. I find it offensive that members across are pointing their fingers at me directly and stating that somehow it was my responsibility, which is outrageous, because I took the stance right from day one.

Unfortunately some people died in Walkerton, and I don't think we should be playing politics with that. Our

thoughts are with those people. There was a problem. Things happened. Now we have to take the steps to make sure this never happens again, and this is where I believe this new drinking water act will come into play. I believe it will be the toughest Safe Drinking Water Act in the world.

I listened to the member from Hamilton West say that in principle this is a good bill. Obviously he will state there should be changes and amendments, as they did when they fully supported the red light cameras and when they fully supported "pull to the left." They're playing politics with certain bills that I think should just have unanimous consent to go through the House so we could debate this bill. Shame on both parties across for trying to tie up the time in this Legislature on two bills that don't really have as much importance as safe drinking water. I want to make that very clear. As the member from Nipissing, I want to be very clear that this is very important.

Mr Richard Patten (Ottawa Centre): Get off your high horse.

Mr McDonald: I listen to the different members across who are heckling. That's just the way this House is. Obviously they don't have respect for my opinion. And that's OK; I listen to that every day. But this is an important act. We're committed to ensuring that Ontario has and enforces the best and toughest clean water policies in the world.

In part two of the report of the Walkerton inquiry—and the member from Hamilton West will know this—Commissioner O'Connor was firm about Ontario's need for legislation that would ensure the safety of our drinking water. This proposed bill supports delivery of 50 of the 93 recommendations in part two of that report. For the purposes of this discussion, though, I will focus my comments on the compliance and enforcement provisions in the proposed bill.

1910

A key priority of this government is to include the public in the decision-making process. To this end, our objective is to implement all—that is, all—the recommendations of the O'Connor report as clear evidence of this commitment. We are unwavering and committed to setting and enforcing tough environmental standards.

A number of recommendations related to compliance and enforcement are nested within recommendation 67—I don't know if all the members across know what recommendation 67 is; I see them looking it up in their books—of the proposed Safe Drinking Water Act.

In addition, Commissioner O'Connor made the following recommendations:

"Recommendation 72: The provincial government should create an office of Chief Inspector—Drinking Water Systems;

"Recommendation 73: Inspectors should be required to have the same or higher qualifications as the operators of the systems they inspect and should receive special training in inspections;

"Recommendation 74: The Ministry of the Environment should increase its commitment to the use of mandatory abatement;

"Recommendation 75: The Ministry of the Environment should increase its commitment to strict enforcement of all regulations and provisions related to the safety of drinking water;

"Recommendation 76: The Ministry of the Environment should initiate a process whereby the public can require the investigations and enforcement branch to investigate alleged violations of drinking water provisions."

The bill would modernize and strengthen the laws that protect the quality of our environment. What we propose is to strengthen compliance and enforcement provisions, and we will create this new position of chief inspector. We are prepared to take a tough stance and give our chief inspector the tools he or she needs to enforce the Safe Drinking Water Act.

The duties of the chief inspector are defined in the proposed act. We believe these duties provide the chief inspector with the level of authority he or she needs to effectively fulfill his or her obligations. For example, the chief inspector shall provide advice and recommendations to the content of the ministry's inspection policy and be responsible for implementing the policy; be responsible for developing and updating the inspection protocol; be responsible for developing, updating and implementing the inspection training program; monitor the overall frequency and adequacy of inspections; report to the public about the overall performance of Ontario's water supply systems and inspections programs; and finally, perform any other duty as may be prescribed by this legislation.

Specific compliance and enforcement provisions would also include the following: systems with deficiencies must have a follow-up inspection within one year; the minister shall have explicit authority to issue directives on inspection policies and protocols; the Ministry of the Environment will also train inspectors to ensure that they have the same or higher level of qualifications of the systems they inspect; as well, they will receive special training in inspections; and we will also establish clear procedures for addressing requests from the public for the investigation of alleged offences.

In addition to being guided by Commissioner O'Connor's report, the proposed compliance and enforcement provisions are already based on a strong foundation. In the report *Managing the Environment, A Review of Best Practices*, we have outlined a framework for this government to move forward with a vision that will enable the Ministry of the Environment to carry out its core business of environmental protection more effectively.

The bill is very consistent. It's based on the premise that in order to ensure sound environmental stewardship, Ontario must have clear laws, stringent regulations and tough standards in place. It also sets the stage to move beyond what is required by law and adopt an ethic of continuous improvement.

There are also several compliance and enforcement provisions of the proposed bill that build on the Environmental Protection Act and the Ontario Water Resources Act. These provisions include—and I'll name a few of them—inspections powers similar to the powers in the Environmental Protection Act and the Ontario Water Resources Act such as entry to dwellings, seizures and use of force; new powers for provincial officers to inspect labs that test drinking water; director's and minister's orders to deal with drinking water health hazards; orders to decommission or replace systems; the appointment of an interim operating authority or proven alternative service delivery.

The member from Hamilton West will know that this is consistent with the proposed fines in Ms Churley's private member's bill, but we're going to increase the fines from \$6 million to \$7 million. We've listened to the advice of the member from Toronto-Danforth, who put these amendments in. This government listened and put them into the bill. As well, the proposed bill includes other powers that are needed for the effective functioning of this bill.

Mr Speaker, I'd like to share some of my time with my seatmate, the MPP from Niagara Falls. He firmly believes in this bill and wanted to say a few words as well.

The Deputy Speaker: In this debate, we will go in rotation. When your turn comes, I'll come back. The Chair recognizes the member for Ottawa Centre.

Mr Patten: I'm very pleased to be able to add my comments on this bill. I suppose in many ways the word on the street is that this is a good start. More than likely you will see a unanimity of voting, but that doesn't mean there is necessarily unanimity on all aspects. Part of that is because of the worry and concern people have about many things this bill doesn't deal with. To be fair, in some senses it doesn't attempt to deal with some areas, but it does beg questions on some fairly important issues.

In fact, the bill says the act recognizes that "the people of Ontario are entitled to expect their drinking water to be safe," and provides for the "protection of human health and the prevention of drinking water health hazards through the control and regulation of drinking water systems and drinking water testing." Then the act identifies the Minister of the Environment as the minister responsible "for overseeing the regulation of safe drinking water in Ontario and ... for the administration of this Act."

That is good. I'm delighted to see the Ministry of the Environment resume its rightful place in playing that kind of role in Ontario, as it used to. This will require, of course, that the ministry is somewhat fortified in a manner compatible with the responsibilities it has to undertake in terms of monitoring, inspection etc, lest we forget.

I don't want to be too dramatic on this, but I do want to remind all of us that we are here because of a very tragic situation and indeed the government has responded accordingly. But you know, as I look back—and I have sort of the summary of the Walkerton Inquiry report.

There's a summary of part one of the report of the Honourable Dennis R. O'Connor, who I think did an extraordinary job in his analysis and in the report he provided, and all sides seem to concur.

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We know the tragedy of the people who died and the number of people who became ill at that time.

"The primary, if not the only, source of the contamination was manure that had been spread on a farm near well 5." Many of us know that. "The outbreak would have been prevented by the use of continuous chlorine residual and turbidity monitors at well 5."

"The MOE's inspections program should have detected the Walkerton" situation and their "improper treatment and monitoring practices and ensured that those practices were corrected...."

"The provincial government's budget reduction led to the discontinuation of government laboratory testing services for municipalities in 1996. In implementing this decision, the government should have enacted a regulation mandating that testing laboratories immediately and directly notify both the MOE and the medical officer of health about adverse results. Had the government done this, a boil water advisory would have been issued, thereby preventing hundreds of illnesses.

"The provincial government's budget reductions made it less likely that the MOE," the Ministry of the Environment, "would have identified both the need for continuous monitors ... and the improper operational practices...."

I won't go any further on that, but I say this because the Minister of the Environment, in his leadoff to the introduction of this bill for second reading, seemed to imply that the Koebel brothers were really the problem. While everyone would agree that there is obviously culpability at that stage, I think we would all agree that indeed you have to have a provincial system that is good enough to pick up weaknesses, failures and faults, fault lines, in that system.

It has been brought up a number of times about the circumstances in which the ministry was not able to fulfill that overseeing function. In all fairness, much of what we're dealing with now, other governments did not deal with, so this is not totally, 100% the fault of this particular government. However, some culpability and responsibility should be acknowledged. The big question now is, what are we doing?

This bill will be supported. Does it cover the nature of the issues that have been identified? Indeed, I do not feel that it has.

I would like to refer to some of the deficiencies in this bill at this point. The first thing that we would say is that we support it, but the areas that were raised by Justice O'Connor which specifically prohibit municipalities from selling off their water and sewer systems to the private sector, provide some form of financial support for water and sewage infrastructure for smaller communities, and ensure that higher water rates do not become a burden to low-income families—these were areas that were identified by Justice O'Connor as being concerns. It is my

feeling, and I think it is shared, that this legislation does not specifically deal with some of this.

The government could come back and say we could make amendments. Great, we could. We could do some of this by regulation, we could do some of this by programmatic, we could do some of this through other means: through the Municipal Act and funding to municipalities in terms of their infrastructure etc. But this bill does not deal directly with that particular issue.

In terms of government funding, Justice O'Connor said, "The provincial government should ensure that programs relating to the safety of drinking water are adequately funded." He made specific warnings that the Conservative government's municipal downloading may make it impossible for municipalities to pay for water and sewer infrastructure. "The financing of water systems does not occur in isolation of other pressures on municipal budgets. In light of recent restructuring in the municipal sector, especially the transfer of additional open-ended social service costs ... to municipalities in 1998, there is currently some uncertainty about the ability of municipalities to finance all the programs they are responsible for, including water services.... I encourage the province to publicly review the program responsibilities and fiscal capabilities of municipalities in light of recent restructuring to ensure that the financial pressures on municipalities do not crowd out the adequate financing of water systems."

I don't think he could be much clearer. We know there is a cost to this. The question would be, who carries the burden? The cost will relate, of course, to the certification of organizations that may participate in monitoring—laboratories that may be private, people who are running these laboratories, public officials who are on this etc—and the establishment in the bill of operating an advisory council on standards. We're talking, in each of these, hundreds of thousands of dollars. Increasing financial support for the Ministry of the Environment water sciences and standards function, a particular unit of that ministry: again, perhaps up to \$1 million. Licensing and periodic inspection of environmental laboratories that offer drinking water testing: half a million dollars etc.

These will all add up, it's estimated, at least from the Walkerton report, to over \$65 million. My feeling is that would be a good deal, and if it can all be done for that amount of money, we should take it and run. I suspect it will be a great deal more than that, perhaps twice as much.

In terms of the bill, the Ontario Medical Association suggests that the bill should not be delivered without laying the essential foundation of source protection first. This will come up again and again and again as I make some of my points. When Commissioner O'Connor tabled his groundbreaking report in May, he stressed that the key to avoiding drinking water contamination was protecting drinking water sources. We are very concerned that a key recommendation like this is missing from this current proposal. Not only does the Ontario

Medical Association cite that but, indeed, Commissioner Gordon Miller, our Environmental Commissioner, said that Ontario's drinking water source may be "in worse shape than ever," and that the Harris-Eves government decision to close over 60% of Ontario's drinking water source monitoring stations has severely hampered the government's ability to monitor and protect Ontario's source of water.

These are credible sources. We're not talking about someone who hasn't thought this through. We're talking about the Ontario Medical Association; we're talking about our commissioner of the environment. They calculate very carefully their statements when they are interviewed, and they do not make these statements lightly. These things need to be taken with the utmost gravity of concern.

I'm not going to go through all of the parts of the bill that are outlined—I only have a short period of time—but one part is that the legislation creates the new post of chief inspector for drinking water systems. The responsibilities are not yet defined; that would be crucial. But new compliance and enforcement provisions, including systems with deficiencies, must have a follow-up inspection within one year etc. Perhaps; we will see. That may be a good way to move.

The Ministry of the Environment will be required to develop and issue an annual statement of Ontario's drinking water and report to the Legislature. That will be interesting to see and to compare with two other reports, the report from the Environmental Commissioner and also the report from the Provincial Auditor. These are persons who are supposed to be apolitical, and I believe they are. They're there for the people and they're there to report to the Legislature, which means all the people of Ontario indirectly.

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I would like to share, as part of the last area, what people are saying out there. Safe water: who's going to pay for this? The system needs a complete overhaul and cost runs could go to \$40 billion. This is an article by Ian Urquhart:

"... the recommendations cover just the tip of the iceberg of the water problem facing Ontario. The report of the inquiry, headed by Mr Justice Dennis O'Connor, estimated the cost" of implementation is somewhere in the neighbourhood of \$100 million to \$280 million.

He goes on: "Some municipal water systems, Thunder Bay's and North Bay's, for example"—the member from North Bay area isn't here at the moment—"are just plain deficient, with inadequate filtration mechanisms for towns their size. Others have not been properly maintained over the years, which means there is a backlog of repair work. And still others, such as Toronto's, are just plain ancient, with pipes more than 50 years old that are in need of replacement."

He goes on to say, "This is not the fault of the current Conservative regime Rather, it is a problem that the Tories inherited from past governments, provincial and municipal, which too often took water for granted."

I hope you accept my comments in that light. I'm not laying the blame at your feet for everything. I'm saying you have to accept some responsibility and now be tough on putting in some stringent legislation that will get the job done.

He goes on to say that the environment minister says the government is awaiting a report that has been commissioned by SuperBuild. We're certainly going to need the help, as was pointed out by our member for Hamilton Centre, who said if the federal government can come through with infrastructure funds this can go a long way to making sure that we shore up our infrastructure, which certainly has been neglected for many years.

From the National Post:

"Municipal leaders in Ontario say the province's tough new safe drinking water regime is having major unintended consequences, including soaring water prices in some locales, a boom in well drilling by homeowners—interestingly—"desperate to avoid costly water testing regulations and decisions by municipal councillors to quit politics because of personal liability concerns ..."

"Municipal officials say tough regulations ... have forced many people to abandon small communal water systems in favour of new wells. 'The local well drillers, they can't keep up,' Duane Rivett, the water system operator for the Huron county township of Ashfield-Colborne-Wawanosh said in an interview. Mr Rivett said the 100 homeowners in Dunganon, where he lives, were recently told the local owner of two wells in the village would no longer be responsible for supplying water because of costly testing and treatment requirements.

"While residents could have opted to drill their own individual wells, they instead decided to pay the cost of drilling a new community well and building a distribution system at a cost of nearly \$1 million ..."

"AMO's executive director, Pat Vanini, said there are also widespread concerns about the 'standard of care' provisions in the Safe Drinking Water Act, which suggest municipal councillors have a duty to take all reasonable steps to prevent any users of the system from being exposed to unreasonable health risks." This is the one where councillors are getting a little bit nervous about the liabilities they have as councillors when most of them, as you well know, do this job part-time and for less than \$7,000 or \$8,000 a year and a heck of a lot of time away from family.

The Hamilton Spectator:

"It's peculiar, and seems at odds with Premier Ernie Eves's political instincts, that his government is moving at such glacial speed"—I love that term—"to implement the necessary measures to ensure that Walkerton does not happen again.

"The Safe Drinking Water Act introduced ... this week doesn't offer that protection. It is focused on water inspection, laboratory licensing and new standards and certification for the testing and treatment process and the people in it. It does not address contamination of the water supply at source.

"The new legislation, not to put too fine a point on it, deals with finding a problem after it is in the system, when what is at least equally needed is a way to stop the problem in the first place.

"Walkerton happened because the watershed was not adequately protected. Cattle manure ran into a well, and the two hapless Koebel brothers who ran the water plant falsified records. There were no safeguards against that sort of irresponsibility ..."

"Two and a half years after Walkerton and 10 months after O'Connor delivered his first recommendation, the government is 'setting up an advisory committee' that will 'develop a framework ..."

"Those are not phrases to inspire confidence in prompt action." So says Robert Howard from the Spectator.

The Deputy Speaker: Member from Mississauga South, come to order.

Mr Patten: The Globe and Mail: "They have not provided watershed protection in this bill." This goes on and on.

One of the areas that is important to consider in terms of our aquifer and our water sources of rivers and streams is what indeed is being put on our farmers' fields. I have great worries. I saw a program the other night that talked about the pass-through of our antibiotics and drugs from human consumption and birth control pills etc causing deformities in a lot of reptiles and frogs and this sort of thing. We don't know what goes through that, and the quality of testing is going to be absolutely crucial when we look at what it is. I fear that we are not actually testing the very things that are going to be fundamental to our health and causing some of the cancerous diseases that we find in our community.

Having said that, this start is a good one and I feel that we will have support for this as we move along.

The Deputy Speaker: Further debate. The Chair recognizes the member for Mississauga South.

Mrs Margaret Marland (Mississauga South): This is the member for Simcoe-Grey, Mr Speaker.

The Deputy Speaker: If you are standing and talking, I assume you are part of the debate.

The Chair recognizes the member for Niagara Falls.

Mr Bart Maves (Niagara Falls): It's a pleasure for me to join tonight's debate on the Safe Drinking Water Act. This bill, of course, is one of the key recommendations from Justice O'Connor's report. He calls for the province to bring in a Safe Drinking Water Act.

I want to, at the beginning, congratulate the minister for the bill. I know how hard he has worked on it. I'm told by his PA that he has worked very hard on the bill, and his staff has also helped quite a bit. I know that he's had a tough grilling from members of his own caucus on the contents of the bill. That grilling came from a variety of different angles on the bill.

There are a couple of sections of the bill that I want to focus on in my comments tonight. The first one will be the licensing and accreditation of labs that perform drinking water testing. In the Walkerton example—because we're here implementing the Walkerton report

recommendations—the municipality had contracted with a private lab to do the water sample testing. In fact it was the NDP in the early 90s who decided that using private sector labs to do the testing was a proper and appropriate vehicle. I agree with that. There are a lot of qualified and good labs out there that can do these tests, and it didn't make any sense not to allow them to do water testing. So that's something that I agree with the NDP on: that that was a smart move to allow private labs to do water testing. In this instance, as I said, it was a private lab that did the testing and found the problem with the water. They did find the problem with the water. In that instance they reported their finding to the person who contracted with them to do the tests: the utility in Walkerton. Unfortunately, the report stopped there, and that had terrible ramifications.

Under NDP and Liberal guidelines, when a test came in for water that was bad, there was no requirement at the time for the lab that found the bad water to report that to the medical officer of health or to report that to the Ministry of the Environment. That was the regime we inherited. What we did after this unfortunate incident occurred was change regulations so that now indeed a private lab that does find a water sample with bad water, tainted water, must report it to the Ministry of the Environment and to the medical officer of health, as well as the utility that contracts with them.

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A key component in this is that any lab that does this work will now have to go through a licensing and accreditation process if they are going to be allowed to perform drinking water testing. Again, labs are allowed to do the work. A lot of them were good and qualified and in this case they did find it, but we now are introducing a licensing and accreditation of the laboratory process, and it will be a continual accreditation process.

The next thing I want to talk about is the certification and training of operators of water systems in this act. In 1989, I believe it was, the Liberal government of the day decided to do a voluntary training of people who operated the municipal water systems—a voluntary training. Some did it, and many didn't. There was nothing that compelled them to do that.

In 1993, the NDP decided that they were going to require the operators of these municipal water systems to be certified and trained. However, they grandfathered those existing people who worked at those facilities, and that included the Koebel brothers. Clearly, they did not get any certification or training. It was very clear in the report and then throughout the entire inquiry that their training was negligible, that they didn't know what they were doing. They said themselves on a lot of occasions that they didn't know what they were doing. It's regrettable that anyone was grandfathered at the time. This bill seeks to make sure that everyone who operates a water system now will have the proper certification and the proper training. I think, obviously, that is clearly the right step.

In everyone's defence all around the room, as you can see, there were guidelines in place from other governments, the grandfathering was done by other governments, and Walkerton occurred when this government was in office. But all that aside, as the minister said in his opening speech, even if the Koebel brothers in Walkerton hadn't been grandfathered, no one would have expected them to knowingly, willingly and wantonly falsify water quality reports. To try to address that, this bill adds a statutory standard of care for municipalities when they are overseeing the operation of their utilities.

The municipalities are clearly responsible for overseeing the activities of the people they hire to look after their water systems. The municipalities are subject in this bill to huge fines if they don't do that job appropriately: a \$6-million fine for a first conviction and a \$10-million fine for a second conviction. Someone who willingly, knowingly submits false reports is something that obviously can't be tolerated, so there's a new onus, a new standard of care for municipalities who operate these facilities. I think that that also is a very important component of this bill.

A couple of other parts of the bill that I think are important. Mr Bradley from St Catharines and I have talked about this the past few nights while in this place: the new position of chief inspector. The chief inspector will report to the minister and the minister will make that report public. The member from St Catharines asked about that several times. I would say that we've already hired 51 certification inspectors. Also, there's an annual report that the Minister of the Environment will now be required to submit to the Legislature on the status and quality of Ontarians' drinking water. All of those, I think, are very important points.

The member from St Catharines was concerned about who was going to hear from the chief inspector and how the minister was going to be responsible to the Legislature. That is going to be done through his State of Ontario's Drinking Water Report, which he's required to do annually.

The gentleman opposite, Mr Patten, used the words "glacial speed" to describe how the province is moving forward on legislation in this area of water quality. I take exception to that and so do some other people. I'm going to read from the Guelph Mercury:

"City waterworks superintendent Peter Busatto said the legislation raises the bar. 'It goes way beyond any legislation I'm aware of in Canada and the United States.'

"The legislation got high marks from retired University of Guelph water resources engineering professor Hugh Whitely. 'It is definitely a good move to recognize requirements for the various steps in delivering safe water,' said Whitely, particularly pleased with the licensing and certification ideas."

Also, from Broadcast News is this quote: "A Vancouver Island MP is calling for national drinking water standards, based on the findings of the Walkerton inquiry. Alliance MP Keith Martin, a medical doctor, calls

the Ontario report a useful document. He says the Ontario government took a leadership role by adopting its recommendations.”

Many of those commentators—Alliance MP Keith Martin everyone knows as a doctor, Hugh Whitely from the University of Guelph and Peter Busatto, who is a city waterworks superintendent and familiar with these processes—have congratulated us for actually raising the

bar and being ahead of anyone in either Canada or the United States on this issue. For that I congratulate my minister. I will indeed support the bill.

The Deputy Speaker: Pursuant to the agreement earlier this evening, this House stands adjourned until 1:30 pm tomorrow.

The House adjourned at 1947.

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L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 6 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 6 novembre 2002

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): Yet another accident along Highway 69 between Sudbury and Parry Sound, this time around Britt, involving four cars and with 10 people involved, six taken to hospital in Sudbury and one in Sick Children's Hospital in Toronto. When will this government understand that that highway between Sudbury and Parry Sound doesn't need signs, it needs multi-laning? When will this government commit itself to improving that highway between Sudbury and Parry Sound? The people of northeastern Ontario, whether it be from North Bay, Sudbury, Timmins or Sault Ste Marie, have had enough. They want that highway four-laned. They want it four-laned from Sudbury.

Today we find out that the government has been sitting on two feasibility studies taking in the area from Sudbury to the French River that indicate that this highway must be four-laned. Let me quote you the 1974 study: "Ministry studies indicate that the existing Highway 69 route in the study area does not have sufficient capacity to serve transportation demands over the next 20 years." That was in 1974, 30 years ago. "Such growth can be expected to place greater demands on this route and ministry studies indicate that an arterial highway of the divided type" is necessary.

Your own government staff have told you that the four-laning of Highway 69 from Sudbury to Parry Sound should have taken place by now. Do it. Start it. Do it today.

TAKE OUR KIDS TO WORK DAY

Mr Rob Sampson (Mississauga Centre): I am pleased to rise today to offer support for the many parents, children, teachers and employers who are participating today in the Take Your Kids to Work Day. I'm actually honoured today to be standing in this House because my son is in the members' gallery over here. Nick is sitting here today.

Applause.

Mr Sampson: I should say to Nick that that's a far better reception than I ever get in this House from the

opposition. But I'm glad he's here today to participate with me in the job shadowing program that is being run by his school at Homelands. That school has recognized the fact that job shadowing is a first-hand opportunity to gather information on the various occupations that interest students, and there are many—including politics, believe it or not—around the province of Ontario and this lovely country. By visiting the workplace, students can visualize better what's involved in the occupation.

I've tried to make sure that my son was quite aware of what was involved in the business of being an MPP. I'm sure that the members today will be on their best behaviour in demonstrating what happens in the Legislature, because, while he can't have a piece of paper here, he's taking mental notes, and he does have to do a report in school tomorrow. So he's going to be watching the members opposite very closely.

I encourage all parents to participate in these programs, and I hope that all the students and parents have a safe visit to their workplace.

HYDRO RATES

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): The hydro horror stories from my riding continue. There is a family in Harrowsmith whose bill has tripled. A woman from Odessa fears that she will have to choose between buying health food to combat her diabetes and paying a hydro bill. She's on a fixed income, and her bill has gone from \$55 a month to \$150 a month. A family in Cardiff doesn't know if they'll be able to buy their daughter's Christmas gifts this year. The ODSP allots \$75 a month for hydro and \$75 a month for heat, and last month their hydro bill alone was over \$200.

Premier, your bungling and incompetence on the hydro file is affecting all Ontarians. Your government was not elected with a mandate to dismantle hydro. In fact, Mr Eves, you don't even have a mandate from the people of Ontario to be Premier—only from the Tories in Ontario.

In my riding, my constituents are sending me a very clear message. They don't like the direction that your government has taken, and they don't like your policies on hydro. It's hurting them and it's hurting their families. Premier, it's time to listen to the people of Ontario and clean up this hydro debacle so that families can go back to what they have always enjoyed, and that is a healthy, happy and prosperous life in the province of Ontario.

PANORAMA OF LIGHTS

Mr Toby Barrett (Haldimand-Norfolk-Brant):

Every year, people from across Ontario, across Canada, and visitors from other parts of the world converge on Wellington Park in Simcoe to revel in the wonder of a glimmering December jewel at the heart of Norfolk county: the annual Christmas Panorama of Lights. It's been over 40 years now that the townspeople of Simcoe have combined their efforts to put on this magnificent seasonal display.

The panorama is highlighted with over 75,000 twinkling lights that reflect on the mirrored surface of the Lynn River. This year's edition will feature the return of one of the panorama's focal points to its former glory. The Panorama Fountain, generously donated by local artist Vic Gibbons close to a decade ago, will once again shower the park in a warm glow as lights dance off the rising water. It took the panorama committee a couple of months of work and over \$1,000 to get this fountain back in working order after it was frozen out of commission over four years ago. Just last week, after a couple of false starts, their hard work paid off. At the flip of a switch, the fountain sprang back to life as water once again shot skyward.

I encourage my fellow MPPs in the House and the people of Ontario to head down to Ontario's south coast, the "golden garden," this part of our country, and revel in the warm lights of Simcoe's Panorama of Lights and its revived fountain, which will spread seasonal spirit to young and old.

BECK 3 GENERATING FACILITY

Mr James J. Bradley (St Catharines): It has become increasingly apparent that Ontario is in urgent need of new generating capacity for electrical power, particularly in view of a prolonged delay in returning the Pickering nuclear generating station to full capacity and the dramatic increase in the cost of electricity to Ontario consumers.

Once again I am urging Premier Ernie Eves to instruct Ontario Power Generation, which his government owns and controls, to begin immediately the construction of new generating capacity at the Beck generating facility in Niagara Falls. If the full project were to proceed, a third generating station to be known as Beck 3 would be constructed, along with the appropriate system of tunnels, and would add 1,100 megawatts of new capacity.

As a beginning and as a minimum, the building of a new 10.5-kilometre tunnel should proceed, adding an additional 200 megawatts to Beck's existing capacity and improving the flow of water through existing generators, thereby increasing the electricity generated at Beck by 15%. The proposed tunnel has received all planning approvals and has undergone an environmental assessment. It has the enthusiastic endorsement of local representatives and the Ontario select committee on alternative fuel sources. This project would produce more electricity for our province without any impact on air quality and

would be an economic boost to the Niagara region. I call upon Premier Ernie Eves to act without further delay.

1340

RAMADAN

Mr Bob Wood (London West): As many members of this House know, one billion Muslims throughout the world will be observing a month of fasting during Ramadan, which starts November 6 this year. Muslims regard Ramadan as a spiritual tune-up. It is a time for inner reflection, devotion to God, and self-control. The third pillar or religious obligation of Islam, fasting, has many benefits, the most important of which is that it teaches self-control. Ramadan is also a time of intensive worship, reading the Koran, giving charity, purifying one's behaviour and doing good deeds. In fulfilling the teaching of their faith, they demonstrate to us a commitment to righteousness and compassion for the needy, qualities to which we can all aspire.

Ramadan will end with the celebration of the feast of Eid ul-Fitr in about one month's time. At that time, Muslims will gather for prayers and then exchange presents and share alms with the needy so that all members of the community may be able to celebrate together.

Ramadan has been observed for many centuries, and each year it reminds us of the importance of spiritual renewal for both Muslims and non-Muslims alike. I know I speak on behalf of all members of this House in extending greetings to the Muslim community of Ontario and in wishing them Ramadan Kareem and Eid Mubarak. These greetings, which in Arabic mean, "May you have a month of giving and a blessed feast," speak to the central meaning of Ramadan.

HYDRO RATES

Mr David Ramsay (Timiskaming-Cochrane): I want to bring forward today to the Ontario Legislature an example of two hydro bills from constituents in the south end of my riding, around Noëlville and Markstay, that really show the idiocy of the Harris-Eves government's electricity policy and how it is giving great hardship to the people.

First, a business. This is a small mom-and-pop meat and variety store in Noëlville and, typically, the bills would run at \$1,200 a month before deregulation. Then all of a sudden, they started popping up to over \$2,000, \$2,600, and the last month, when summer was over so we can't blame Mother Nature, \$4,187 for this small meat market in Noëlville. The proprietor there tells me that that's basically his gross profit margin per month and that now he'll be forced to make some very tough decisions about the number of people he's going to be able to afford to keep on his payroll.

Another example in the same neighbourhood is a senior couple on a fixed income. Typically, because of their electrical heating, they've been paying about \$180 per month. Now all of a sudden in their third-month re-

conciliation bill, they're hit with a whopping \$690. These are people on a fixed income who have been just managing to pay their under-\$200 bill, but now they've got triple that amount thrown at them from this system.

It's time the government fixed this mess that they started and start managing the electricity system in Ontario, and make sure the economy and Ontarians stop suffering from this.

SCHOOL BOARDS

Ms Marilyn Churley (Toronto-Danforth): Ernie Eves, welcome to Mike Harris's chicken coop, which you are a part of, because all his chickens from his failed Common Sense Revolution are coming home to roost. It started with Walkerton. Not only are you left with that mess, but now you have created a massive crisis in our hydro rates, and now, increasing prices in education.

A legal challenge has been launched today by five Toronto school trustees, three parents and three unions, claiming that you have acted unlawfully by letting the supervisor, Paul Christie, violate the act by suspending all of the trustees' functions and denying parents and trustees their basic right of free speech.

I met with parent councils in my riding last night, and what they said is happening in their schools is truly shocking. You've heard it before and I'm going to repeat some of them now: teachers are not being replaced and classroom sizes have grown to large numbers; educational assistants have been cut and are not being replaced. The loss of lunchroom supervisors, teachers, educational assistants and secretaries contributes significantly to the safety factor.

What I would say to this government today, so this lawsuit doesn't have to go ahead like the Toronto Hydro One lawsuit, which they lost, is that they should immediately pull that supervisor out, wait until the review on their funding formula is done, leave the funding where it is and give the extra funding that they need now to put these people back in the classrooms.

AGNES JACKS

Mr AL McDonald (Nipissing): I'd like to take this opportunity to tell the people of Ontario about a very special lady in my riding of Nipissing who has done wonders for the sport of ringette. In fact, she and her husband were the founders of the popular game almost 40 years ago.

Last weekend, I attended the first annual Agnes Jacks invitational tournament, and it was a great success. Ringette may have been introduced in North Bay, but now it has grown and is played throughout the world. It is Agnes's hope that ringette will be an Olympic sport some day.

Mrs Jacks was honoured for all her dedicated years in maintaining the sport of ringette. Unfortunately, her husband passed away several years ago, but Agnes is

diligent in keeping his dream alive. In fact, Agnes Jacks received the Order of Canada.

She is an example of integrity and devotion. For more than 30 years, she has promoted ringette as a medium for girls and women to benefit from physical activity and personal growth derived from team sports.

As honorary president of the International Ringette Association, she continues the legacy of her late husband, who conceived the game, by sponsoring trophies and scholarships for outstanding players, coaches and officials. She has become a goodwill ambassador, imparting the importance of good conduct and fair play to thousands of young athletes.

I would have to say that North Bay has a lot to be proud of, thanks to the creativity and tireless dedication that Mr and Mrs Sam Jacks put forth in introducing the game of ringette to Ontario, Canada and the world.

VISITORS

The Speaker (Hon Gary Carr): Just before we begin, we have with us today in the Speaker's gallery a delegation from the Russian Federation, led by Vladimir Zoran, their Minister of Federation Affairs. They are in Toronto to participate in a workshop, Law and Federalism in the Russian Federation and Canada, which is being held at the University of Toronto. Please join me in welcoming our honoured guests.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon Gary Carr): I beg to inform the House that today the Clerk received the ninth report of the standing committee on government agencies.

Pursuant to standing order 106(e), the report is deemed to be adopted by the House.

INTRODUCTION OF BILLS

RETAIL SALES TAX RELIEF FOR AMATEUR YOUTH SPORTS ACT, 2002

LOI DE 2002 VISANT À ALLÉGER LA TAXE DE VENTE AU DÉTAIL EN MATIÈRE DE SPORT AMATEUR POUR LA JEUNESSE

Mr Sampson moved first reading of the following bill:

Bill 207, An Act to amend the Retail Sales Tax Act to provide an exemption from tax for amateur youth sports /
Projet de loi 207, Loi modifiant la Loi sur la taxe de vente au détail pour prévoir une exemption de taxe en matière de sport amateur pour la jeunesse.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Rob Sampson (Mississauga Centre): This bill, if it is approved by the House, would allow amateur youth sports teams or associations, or amateur youth as individuals, to be exempt from paying all or a portion of the Ontario provincial sales tax on equipment or uniforms that they purchase. This bill would also apply, if it was incorporated in the regulations, to school teams and teams that are involved in school activities.

This bill would also encourage organizations to participate in equipment swaps and would exempt the transaction of equipment swaps, which would help those who can't get equipment, from attracting PST as well.

I encourage the House to support this very valuable initiative for amateur youth sports across Ontario.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: Without speaking to the substance of the bill—because we have not seen it; we have read press accounts of it this morning—the question to you is the appropriateness of the bill, given the rules with respect to non-treasury bench members bringing forward an item that would impact on a budget.

Secondly, would it be more appropriate for the member to put this in the form of a resolution that could be brought to this House and debated as a resolution incorporating many of the elements that may prove very worthy both to that side of the House and this side of the House?

The Speaker: The member is correct. We haven't had a chance to see it either, but as we do with all bills, we will check and look for the appropriateness of it, and we'll advise the House if there are any problems. Then if there are, the member may take whatever option he wants. But we thank the member for bringing it to our attention. We do look at all the bills.

1350

VISITORS

Mr Tony Ruprecht (Davenport): On a point of order, Mr Speaker: Our page, Grant Gonzales, has some very important visitors here today: his uncle and his aunt, Ron Turner and Jill Turner.

Mr Rosario Marchese (Trinity-Spadina): On a point of order, Speaker: This is take-your-nephew-to-work day. My nephew, Adriano Marchese, is here. Just briefly, I want to put the Etobicoke politicians on notice: he's very interested in politics.

1350

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): On a point of order, Speaker: I'd like to acknowledge and welcome a special guest to the Legislature today. It's Take Our Kids to Work Day. It's a great program and our ministry has a number of students who are participating in that program. I'd like to mention that my son, Clayton, is here as well in the gallery.

The Speaker (Hon Gary Carr): Welcome. I understand he's a good hockey player.

Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation): On a point of order, Speaker: it is Take Our Kids to Work Day. As the Minister of Enterprise, Opportunity and Innovation, I'm pleased to welcome the enterprising young people who are children, offspring, of some of the fine public servants at the Ministry of Enterprise, Opportunity and Innovation, as well as Kaitlin Visser, who is the daughter of my constituency assistant.

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): Not only is it Take Our Kids to Work Day, and we're thrilled to have all the students here in grade 9, but today is also Ontario Principals Day at Queen's Park. I'd like to welcome the president of the council, Helen Spence, and the principals who are with us today.

The Speaker: We'll know where to send some of the members if they misbehave: down to the principal.

Mr Mike Colle (Eglinton-Lawrence): On a point of order, Speaker: We have some very special people who came all the way from Fenelon Falls in beautiful Victoria county. They're here with us today. There's Councillor Faye McGee, Lyn Boldt and other members of the tax revolt in Victoria county who are here today to fight for fairness.

Mr Tony Martin (Sault Ste Marie): On a point of order, Speaker: The page from Sault Ste Marie is very proud of the work he does here. He keeps bringing relatives in to have a look. Today we have Nancy Robertson, an aunt of the page, and Andrew Kadwell, a cousin of the page, from Oakville. I want to welcome them to the chamber.

Mr Norm Miller (Parry Sound-Muskoka): This is bring-your-son-to-work day today, and I'd like to introduce my son, Winston, who's here taking a day off from grade 8 at Monck Public School. Winston, if you could, stand up. He's over on the other side. Winston, stand up.

CREDIT UNIONS

Mr John O'Toole (Durham): On a point of order, Speaker: It's my understanding that we have unanimous consent by all parties to spend five minutes in recognition of Credit Union Day.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed. The member for Durham may begin the rotation.

Mr O'Toole: It's my pleasure, on behalf of the Ernie Eves government, to rise in the House today to acknowledge the exceptional role that credit unions play in our communities. I can't help but recognize the important work done by Jonathan Guss and Credit Union Central.

Unlike traditional banks and trust companies, credit unions are owned and operated by their members. In Ontario alone, there are over 700 locations that serve over a million people and manage assets in excess of \$14.5 billion.

In small and rural communities, much like in my riding of Durham, they don't have the large traditional banks. Credit unions are the only option available to residents. I want to thank the credit unions of my riding: the Auto Workers Community Credit Union and Don Nicholls, and board members, including Dave Broadbent; the Oshawa Credit Union, with Lori Gaudette; HEPCOE Credit Union, Iris Rapkiski; and the Goodyear credit union, Del Rudman.

Credit unions also make a tremendous contribution to Ontario's economy. They employ over 5,500 people and they work with small business owners to develop viable business plans.

The Ontario government recognizes the new and important role credit unions and caisses populaires play in the financial service sector. Since 1995, our government has taken a number of steps to help credit unions and caisses populaires to better serve their members and indeed their communities. These improvements include: we've approved a new schedule of deposit insurance premium rates; we've removed the provincial retail sales tax on deposit insurance premiums; we've increased deposit insurance coverage from \$60,000 to \$100,000; we've made deposit insurance fairer and more affordable by charging premiums only on the insured portion of deposits; we've eliminated capital tax for credit unions and caisses populaires; we've reduced red tape to streamline the regulations for credit unions, therefore enhancing their ability to raise capital and deliver a broader range of financial services to their members.

These changes help credit unions become more competitive. The government also recognizes that more can and should be done. To this end we continue to work with credit unions.

Credit unions believe in helping people and communities to improve themselves through co-operation, education and personal development. In my riding of Durham, each Christmas our local credit union actively participates in making sure that the Salvation Army's Angel Tree toy drive is a success. They also host an annual barbecue, along with the Oshawa branch, to raise funds for the Sunrise Youth Group. These are just a few examples of how credit unions contribute to my community and I'm sure to other communities as well. This contribution is not exclusive to Durham. Credit unions, on the whole, give back to the community in countless different ways.

I look forward to meeting with credit union representatives later today with my fellow MPPs from all sides, and I respect the credit unions and the work they do in Ontario. Please join me in thanking the credit unions of Durham and across the province for their dedication and hard work to people and communities.

Mr George Smitherman (Toronto Centre-Rosedale): I, too, am pleased to rise today and recognize the vital role that credit unions and caisses populaires play in communities across Ontario. Since the latter half of the 1990s, Ontario's credit unions have sought to identify solutions to help them respond to the increasingly com-

petitive financial services marketplace. With over \$16 billion in assets and 1.6 million members, this commitment has never been more important.

In addition to serving their members more effectively and efficiently, credit unions offer consistent customer service and believe in banking with a personal touch. Credit unions also offer financial peace of mind because each credit union account is guaranteed up to \$100,000 by the Deposit Insurance Corp of Ontario, which is even more than banks can offer. In fact, no consumer has ever lost a dime of his or her hard-earned money deposited in a credit union.

When I say that credit unions serve Ontario well, I am not just talking about the full range of financial products and services; I am also talking about the work they do in our communities. Credit unions can be found in Ontario's largest cities and in our smallest towns. In fact, in some small communities, places like Keene and Little Britain, the banks have pulled out, leaving credit unions as the only financial institution.

At a time when talk of bank mergers is back on the agenda, I think it's important to encourage Ontario's ability to provide essential financial services in our smaller communities. Currently the government has initiated the process of selling off another community-based banking service, the Province of Ontario Savings Office. Now, more than ever, we should be ensuring that those agencies that are able and willing to provide banking service in small towns throughout Ontario are encouraged to do so. Credit unions are an important element of Ontario's financial structure.

Because credit unions are locally owned financial co-operatives, they are well positioned to respond to community needs and are committed to improving the quality of life in Ontario. In conjunction with local community groups, credit unions have invested in community projects including construction of sports and recreation facilities; sponsoring various community activities and events; promoting public education programs to encourage a better understanding of financial matters; lending programs for low-income people; investments in affordable housing; and business mentoring programs. Fully 90% of credit union deposits are reinvested back into the communities through mortgages and personal and business loans.

Credit unions also fill an important gap in providing access to capital for small businesses and farm operations that may not be able to qualify otherwise. All of us know and hear too often about the challenges people have in gaining access to capital. Credit unions' commitment to small businesses has grown considerably over the past five years. Today an incredible 45,000 small and medium-sized businesses and farm operations in Ontario are being assisted by a loan from their local credit union.

In addition, over 60 member credit unions participate in Credit Union Central of Ontario's syndicated lending program, which harnesses Central's lending expertise and capital, allowing credit unions to help more underserved customers. These loans also finance local

business development, manufacturing, construction, hospitality and tourism. A significant portion of the syndicated loan portfolio involves the agribusiness sector, a large portion of which is invested in northern Ontario.

On behalf of my leader, Dalton McGuinty, and the Ontario Liberal caucus, I look forward to working to strengthen the credit union system and to joining all of you in the reception later on this afternoon.

1400

Mr Tony Martin (Sault Ste Marie): We in this caucus, on this side of the House, are certainly proud to stand today in recognition of the very vital and viable co-op movement blowing across this country that came out of the co-op movement in western Canada and our partnership in that in the 1960s with the CCF and organized labour to form the New Democratic Party in this country and indeed in this province. Credit unions have become a very important international phenomenon.

I was in Ireland just recently, where I was told a story about a small community just north of the border, Newry, racked with violence for years. A small group of people decided that there needed to be an economic future for them and for their children. They gathered around a kitchen table, as has happened so often across this country, and formed the first credit union. They each threw the change that was in their pocket into the pot, and stood before churches week after week collecting money to build up a critical mass, so that they could then begin to operate as a real credit union. The first loan they gave out was to a widow who needed to consolidate some debt. The second loan was to buy an old, abandoned factory and turn it into a co-op business development organization that today has become the envy of northern Ireland—just one example of the very creative, energetic and exciting activities of credit unions across the world, not to speak of some of the credit unions in Ontario and in my own area.

I recently participated in the cutting of a ribbon for a brand new credit union at the Garden River First Nation, just outside of Sault Ste Marie, where they see it as a vehicle to give them some foothold into the finances that they need to create an economy that will be beneficial for them over the years. In my own community of Sault Ste Marie we have a number of very exciting and viable credit unions: Northern Credit Union, for example, has grown from a meeting in the kitchen of one of the original members of the credit union, a person by the name of Len Strom, into an organization today that literally populates almost every small community in northern and eastern Ontario—a credit union that, when it sees one of the big chartered banks pull out of a small community because they have no more interest in offering services there, moves in and in some instances actually takes over the building of the vacated chartered bank to offer financial services to that community so that the people and the community might be better served. That credit union today has grown to be a regional operation of over \$440 million in assets, with a network

or 22 branches strategically located throughout north-eastern Ontario, and provides excellence in service to over 40,000 members. The most recent merger of the Northern Credit Union, with the Nickel Centre Credit Union, in July 2002 has also made services available to the communities of Coniston, Capreol, Garson and Sudbury, something that would be of interest to my colleague from the Nickel Belt area—

Ms Shelley Martel (Nickel Belt): I'm a member.

Mr Martin:—who is also a member. I would guess that probably all the members of our caucus are members of credit unions in their home communities.

This merger also makes Northern Credit Union the seventh-largest credit union in Ontario. We have the St Mary's Credit Union, and of course the credit union that I belong to and have been served by so ably over the years, the ASCU Community Credit Union. It started out as a small credit union to service the members working at Algoma Steel, driven by the Steelworkers of America, now a very large entity in our community of Sault Ste Marie that supports the people in the community. Their strength and their future are based on community roots, and member involvement, community participation and local knowledge are some of ASCU Community Credit Union's proud, competitive advantages. This credit union now has loans to members in the year ended of some \$157.6 million. That's a lot of money to be managed by this particular entity on behalf of our community. The ASCU Community Credit Union has been in business for more than 50 years in Sault Ste Marie. The membership has grown from the original 20 charter members in 1948 to approximately 13,000 members in the year 2002.

You can be sure that your local credit union actively supports many different local projects as well as initiatives on the provincial and national levels. I would encourage all of you here to take time, if you're not already a member, to call your local credit union to check out the services they have to offer and become a member.

ORAL QUESTIONS

HYDRO RATES

Mr Dalton McGuinty (Leader of the Opposition):

My question is for the Premier. Yesterday we talked about Bluewater Power and their threats to shut off power to those who can't pay the bills you have foisted on to Ontario consumers. You said, "I presume that the ... utility will act in a responsible fashion and the individual's power, indeed, will not be cut off."

I want to tell you the story of Joanne. She's a single mom with an infant and a two-year-old. She's on maternity leave and is only getting \$630 per month. Her hydro bill is \$400. She just recently scraped together \$180 to start paying the bill, but Bluewater Power shut off her power yesterday. The heat in her building is electric. Joanne and her two young children are living

without heat today. It's anticipated that the wind chill factor tonight in Sarnia will be -6C. What are you going to be doing before nightfall to help Joanne and her two young children?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I would be more than pleased to take the details, and I will have my office or the minister's office contact the utility this afternoon and see what we can do.

Mr McGuinty: Premier, am I going to have to bring these individual cases to you here on a daily basis during question period? There are going to be hundreds, if not thousands, of Joannes, people just scraping by, people living hand to mouth, people who can barely afford to pay the old hydro bills, who cannot afford to pay the new hydro bills. Do you want me to bring each and every one of those cases to your attention in this Legislature?

The problem here is that you created a royal mess. You're supposed to look before you leap. You leapt and then you looked. You acted irresponsibly, and Ontarians out there on the front lines of the economy are paying a terrible price. I'm asking you, what specifically are you going to do to help Joanne and likely the thousands more who are no longer able to pay their hydro bills in your Ontario?

Hon Mr Eves: I told the leader of the official opposition what I propose to do with respect to the specific case he's talking about.

The Ontario Energy Board and utilities work co-operatively together to make sure that nobody—

Mr Dwight Duncan (Windsor-St Clair): They work co-operatively, all right.

Hon Mr Eves: Quite frankly, that's what the Ontario Energy Board is there for. They're there to protect consumers, and they're there to make sure that something exactly like this does not happen.

Mr McGuinty: It's your job to protect Ontario consumers and hydro ratepayers against usurious bills. That's your job. The Ontario Energy Board has not been able to protect consumers from you, Premier. That's what is happening here.

I ask you again, what are those people, the Joannes of Ontario, now supposed to do? They are barely scraping by as it is. They can't afford to pay your new hydro bills. Why don't you stand up here today and tell all Ontario utilities that they cannot shut off power to the Joannes of Ontario and that you will do whatever it takes to make sure that nobody who finds themselves in this predicament is going to be without power, without heat, this winter?

1410

Hon Mr Eves: I indicated in question period yesterday, and I'm indicating again today in question period, that I don't believe it's appropriate for a utility to cut off power to people. I will be happy to take that up with them. This is a directive that the Ontario Energy Board issues to all utilities in the province of Ontario; it tells them that they should be accepting partial payments and

they should not be cutting people's power off because they don't have the ability to pay. We will reinforce that.

The Speaker (Hon Gary Carr): New question.

Mr McGuinty: Premier, if you're not concerned about individual Ontario families, then maybe you'll have some concern for small business, because small businesses are also feeling the effects of your incompetence and mismanagement of the hydro file.

Stamford Delicatessen in St Catharines has been open for 33 years and run by Berndt Triebe. His hydro bill has doubled, from \$1,000 to \$2,000 a month. He says that he can't raise the prices at his deli because his clients are mostly seniors and, not surprisingly, they have their own skyrocketing hydro bills. Mr Triebe says he's going to have to close his shop soon.

Small business, Premier, unless you have forgotten, helps drive our economy. Your incompetence and your complete mismanagement of hydro is not hurting Ontario families alone; it is hurting our economy. Premier, will you admit that when it comes to the Ontario hydro file, yours has been an abysmal failure—that is your experience—and will you now tell us specifically what you are going to do to help Mr Triebe and other owners of small businesses who are not able to cope with your usurious hydro bills?

Hon Mr Eves: The leader of the official opposition is the last person in the Legislature who should be standing up fighting for small business when he's voted against every single tax reduction and break for small business that we have introduced—all 199 of them.

Interjections.

The Speaker: The member for Hamilton East, come to order.

Premier?

Hon Mr Eves: As we—

Interjection.

The Speaker: We're not going to continue with this. I'm going to name the member for Hamilton East and ask him to leave the chamber. I'm not going to keep getting up here. I'm going to have to pick people out. I'm afraid the member for Hamilton East is going to be asked to leave. Two seconds after I tell him to settle down, he's not going to get up and do this. We're not going to continue to do this.

Mr Agostino was escorted from the chamber.

The Speaker: The problem is that there is allowed to be some heckling, but unfortunately everybody in the place does it now. It used to be a few members would do it and we could get away with it. Now everybody just shouts at the other side. We'll just start throwing people out. You can heckle, but we can't have it where the other side can't hear, and if it does get that way, we'll simply remove people.

I apologize to the Premier for the interruption.

Hon Mr Eves: As I indicated yesterday, the average price of hydro for the May-to-October period is up 16% in Ontario in terms of price, 7% in terms of volume, 23% on average for consumers across the province. I understand that for individual months there are people in the

province who are having difficulty. We are going to come up with a plan—you will hear about it very shortly and it will become active immediately—to deal with the price increases for consumers in the province.

But I repeat what I said a few minutes earlier: you are the last person who should be talking about protecting small business when 199 times you voted against small business in this Legislature. And then you have the gall to come in here today and be the big protector and defender of small business when you've dumped all over them for the last seven years.

Mr McGuinty: Premier, with hydro bills going up some 60%, 100%, 150% for small business in Ontario, that is the single biggest tax hike that they've had to grapple with in the last 20 years in the province. If you won't get it, at least Garfield Dunlop does. He said, in today's *Orillia Packet* and *Times*, "We know we've made a mistake.... Electricity rates are unacceptable and we must resolve the issue because it is impacting jobs and the economy."

Premier, you failed to do your homework. You failed to listen to the Provincial Auditor about Pickering A, and now it's behind schedule and way over budget. The transmission line with Quebec is on hold. You stopped Beck 3 from getting up and running. The NDP killed our chance to get clean, affordable power from Manitoba. Your ideological blinders are on. You charged ahead, you didn't plan, and Ontarians are paying a terrible price. I ask you again, what specifically are you going to be doing for both businesses and Ontario families?

Hon Mr Eves: We are going to be helping those families, as we've helped them with 199 tax reductions, each one of which you voted against. I presume you'll be against this, too. You'll be against helping people in the province of Ontario. Your record is quite clear; your record is quite consistent. You have voted against every single measure we have introduced to help more modest-income Ontarians.

Over a 40% tax reduction to those modest-income earners: you voted against that. Cutting small business's tax rate in half to the lowest in Canada: you voted against that. Now when you think it's politically expedient, you're trying to make political hay on the backs of those people. Be consistent. Are you going to side with the small people this time, or are you going to bluster yourself up to try to cash in at the political table?

Mr McGuinty: Premier, if you're looking for a consistent record in this House on policies, it is your mismanagement and your incompetence. Once again, you didn't do your homework, and this time consumers are stuck with the hydro bill.

But let's take a look at the record; sadly, we've seen this movie too many times before. You screwed up the education funding formula, you screwed up on tax breaks for pro sports teams, you screwed up on hiking seniors' residences fees, you screwed up on the hydro IPO, you screwed up when you fired thousands of nurses, you screwed up when you sat as Minister of Finance and cut the Ministry of the Environment, which led to the

Walkerton tragedy. You're like the arsonist who keeps setting fires and tries to take credit when he then scrambles to put them out. I'm asking you again, Premier: given this record of mismanagement and incompetence, given your consistent failure to get it right the first time, why should families and businesses believe you're ever going to get this one right?

Hon Mr Eves: Only a Liberal who doesn't think we should be spending \$8 billion a year more on health care in this province could stand up and say we have reduced funding to health care. Only a Liberal who doesn't seem to think there's any consequence to just spending money willy-nilly, even though you had a great part in jacking up the provincial debt to \$115 billion when your party was in power—that didn't seem to bother you. Eight billion dollars more on health care, over \$2 billion more on public education, over half a billion dollars more on public education in-year this year alone, making sure that people in Timiskaming get the same education as people in Toronto. You say one thing when you're in Toronto, and you say another thing when you're in Timiskaming. But people aren't that stupid, Dalton.

Interjections.

The Speaker: OK, we need to proceed now. We've had our fun. The leader of the third party has the floor.

1420

HYDRO DEREGULATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier, but let me say that if Liberals or Conservatives want to ensure that people don't have their power cut off, they can pass Bill 204, my No Freezing in the Dark private member's bill, and do it today.

Premier, while you and the Liberals want to sell off our hydro system to the Enrons and Brascans of the world, the same corporations that have profiteered from private, deregulated hydro in California, Ontario and elsewhere, the Toronto-Dominion Bank yesterday admitted that deregulated, privatized hydro doesn't work very well. They say that after the Enron fiasco and some of the other private hydro disasters in the United States, the Toronto-Dominion Bank won't be lending any more money to private hydro companies. Why do you and the Liberals want to take Ontario's hydro consumers further down the privatization and deregulation road when even the banks won't go there any more?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): The leader of the third party knows we're not privatizing OPG. He thinks it makes good air time, I guess, to talk about privatization of OPG, but we're not privatizing OPG, and he knows that.

I've heard the honourable member stand up in his place many times and criticize banks, bad-mouth banks, and now when it suits his political purpose, he's quoting banks. Can I expect more of the same in the future, Howard? Everything the Toronto-Dominion Bank says from here on in, you're going to be onside, right?

Mr Hampton: Premier, let's remember what this is about. A woman in Hamilton this past week had her power cut off after she left for work. Her disabled tenant had to ask his parents in Niagara Falls to come and pick him up because the temperature in the house plunged. People like that, people like these folks in Hamilton, don't want a temporary rebate in an attempt to cover up the hydro deregulation problem. They want and need a long-term solution.

The Liberals and yourself say that we should sell off our hydro generating stations and that we should turn to the private sector and entice them to come and build new hydro generating stations. But the Toronto-Dominion Bank is saying they're not going to lend any money to private generating companies. So tell us, how do you and the Liberals intend to provide the power that is needed if private companies can't borrow the money to build from Bay Street banks any more?

Hon Mr Eves: The honourable member will know that Ontario Hydro/OPG produces about 77% or 78% of the power used in the province. He will also know that Bruce produces another 15%. If he cares to add those two numbers together, he will also know that that is in excess of what the average daily usage in Ontario is, and that those two entities combined, both of which are controlled or leased out by the province of Ontario or by OPG, supply more than enough power on an average daily basis in the province.

I do agree with him that we have to have a plan to encourage people to develop more supply in the province so that we will have an increased supply as we go forward, and you will hear about that in due course.

Mr Hampton: That is the \$64-million question. You and the Liberals both say we should sell off our hydro system to the private sector and rely on private companies, through incentives, to build. Well, Bay Street says they won't lend any money to private hydro companies to build generating stations. Some of the other lobbyists you are listening to, the so-called Stakeholders' Alliance, actually say that the way to provide incentives is to let hydro rates go even higher. It's as if they believe the consumers of Ontario are naughty children who need to be spanked with yet higher hydro rates.

Premier, and the Liberals have to answer to the people of Ontario. So far the solution that both of you have put forward is to rely upon private companies. Well, the banks aren't going to allow them any more money, so what are you and the Liberals going to do—allow hydro rates to go even higher so you can entice your private sector friends to come in and make bigger profits? Is that the only solution you're offering?

Hon Mr Eves: Absolutely not.

The Speaker (Hon Gary Carr): New question.

Mr Hampton: I'm going to return to that question. Premier, even in the heart of Republican America yesterday, voters—

Applause.

Mr Hampton: —turned thumbs down on hydro deregulation. You should be careful what you clap for. In

Montana, voters yesterday rejected the deregulation of the hydro system by a vote of 60% to 40%. In Las Vegas, where they gamble on almost everything, the voters are saying they're not prepared to gamble on deregulated hydro. They want a regulated hydro system.

Even your own member, Garfield Dunlop, the latest MPP to come out and say that deregulated, privatized hydro was a mistake, even he is out there now.

Premier, when will you admit that deregulated, privatized hydro doesn't work for hydro consumers? Everyone else seems to be figuring it out; when will you?

Hon Mr Eves: I think I indicated to the honourable member yesterday and again today that obviously the member that he refers to is concerned about prices of power in his riding, as every member of the Legislature is in their own constituency, myself included. You will see, in very short order, that we will be assisting the people of the province of Ontario in that endeavour, and that we will be bringing in a plan that will help them as we go forward in the future with respect to prices of power in the province.

Mr Hampton: Premier, I'll say once again: the people of Ontario aren't interested in some kind of just-before-the-election rebate that you and the Liberals continue to talk about.

Another interesting lesson from yesterday: you know California, that your former Minister of Energy used to refer to? Yesterday, the governor of California, who said very clearly that hydro needs to be re-regulated in California, was re-elected. Your Republican friends who want to privatize and deregulate hydro in that state were told, "No, thanks."

Again, Premier, I want to say to you that people elsewhere in the world who've had experience with de-regulated hydro are saying, "No, thanks. We want a regulated hydro system; we want a regulated price; we don't want to be vulnerable to the price fixers and the market manipulators." When will you straightforwardly come out and tell the people of this province that you're going to turn away from deregulated hydro and privatized hydro? When?

Hon Mr Eves: The honourable member won't have to wait long to see what the plan is.

RACIAL PROFILING

Mr Dalton McGuinty (Leader of the Opposition):

My question again is to the Premier. We've learned today, and I assume that you're aware of this, that Justice Charles Dubin has withdrawn his involvement from the external review of the Toronto Police Services race relations policies and practices. Yesterday I asked you not to wait for more studies. Instead, I suggested that we strike an implementation task force to put the myriad of studies we already have into action. We have been studying this for the past 25 years. I don't believe that we should put it off one day longer.

I ask you again, but particularly in light of this new fact, Premier, that Mr Justice Charles Dubin is no longer

going to be involved in this matter: will you take action and strike an implementation task force?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): If the leader of the official opposition has read Mr Justice Charles Dubin's letter, he will know that the reason Mr Justice Dubin outlines in his letter to Chief Fantino is that, in light of the fact that a summit is going to be chaired by the Honourable Lincoln Alexander, he feels his presence would be superfluous to what Lincoln Alexander is doing.

I told you yesterday in this House that we've been consulting with the Honourable Lincoln Alexander, that we're interested in meeting with and participating with leaders in the black community to have a meeting and try to resolve this issue. I congratulate the Honourable Lincoln Alexander in taking an initiative in this very important area.

Mr McGuinty: Premier, nobody is disputing that what Lincoln Alexander is about to do—and I hope that his initiative gets underway shortly—is a good, decent and honourable thing. But what I am looking to you for is leadership on this file. There are several studies that have been completed in the past, and I don't believe, sir, that in this case leadership ought to be an option. I think you have to act.

1430

I'm not asking for the world here. I'm simply asking that you strike an implementation task force that will then study those individual reports and come up with a specific plan of action for us to move forward on. Otherwise, what we're doing here in this House is that, once again, you, sir, would be washing your hands of an issue that strikes at the core of social cohesion in the province of Ontario. I've indicated that Alvin Curling, my colleague, is more than ready to prepare and assist in any way in this matter. I ask you again, why could you not strike an implementation task force so that we can move forward on the many recommendations that have been put forward over 25 years?

Hon Mr Eves: I don't know whether he doesn't think the Honourable Lincoln Alexander is capable of doing this or that the summit he has called for is going to be sufficient to deal with the problem. I'm certainly willing to participate in the process and do what we can, in representing the government of Ontario, to make sure that the black community's needs are dealt with and heard. The Honourable Lincoln Alexander has started what I think is a very viable process.

We have, quite frankly, responded. As you'll recall, there was a request for an independent civilian body to look into police complaints in Ontario, and we complied with that in 1997. In fact, that agency has existed—it is a totally civilian body—since 1997. People who are not satisfied with complaints they take to either the OPP or, in this case, the Toronto Police Service complaints commission have the ability to go to this province-wide body, which is totally civilian, and get an independent hearing on any complaint they have. That recommendation has already been acted upon. It was acted upon in 1997.

MUNICIPALITIES

Mr AL McDonald (Nipissing): My question is for the Associate Minister of Municipal Affairs and Housing responsible for urban issues. Minister, I understand you're hosting a two-day conference for provincial and territorial ministers of local government this week. You must be very pleased to represent key matters relating to municipal issues in our province to other leaders across our country.

As the past deputy mayor of North Bay and the current member of provincial Parliament for Nipissing, I know how important municipal matters are to this province and to all our ridings. Recently, in the federal throne speech and the Sgro interim report, the federal government indicated they have a new interest in municipalities and municipal issues. Minister, my question for you today is, could you tell the House how you plan to acknowledge the federal government's recognition of municipalities?

Hon Tina R. Molinari (Associate Minister of Municipal Affairs and Housing): I want to thank the member for the question. This is an important issue for municipalities. Not only is it a concern in your riding, but it's a concern throughout the province and the country.

It was evident in the provincial-territorial conference in August that the provinces and territories welcome Ottawa's recognition that it has a significant long-term financial responsibility toward municipalities. We believe that any increased federal interest in municipal issues must respect provincial-territorial jurisdiction and that new federal initiatives like improving infrastructure must build on provincial priorities regarding municipal matters. If we do this, we will be continuing an effort to make our cities the most competitive and livable in the world. In fact, Canadian cities are among the safest, cleanest and most attractive in the business world. They are strong, healthy and vibrant, and we intend to keep them that way.

Mr McDonald: Thank you for your answer. I'm pleased to hear that there is a call for Ottawa to finally recognize their long-term financial responsibilities to local municipalities.

A recent independent study done by the Conference Board of Canada indicates that the federal government needs to address the large growing fiscal imbalance in Canada between themselves and the provinces. This fiscal imbalance leaves the provinces to bear an unfair share of health, education and social service costs.

Minister, could you tell us more about the study and the need for a new dialogue with the federal government on this issue?

Hon Mrs Molinari: Once again, I want to thank the member from Nipissing for his interest. His constituents are certainly very fortunate to have him representing them here in this House.

I would be glad to expand on the findings of the study. The study finds that the federal budget surplus will reach almost \$86 billion by 2020. During that same time period, the aggregate provincial-territorial net debt will rise 54% to \$387 billion. Our government does not

believe that Ottawa should enjoy large revenue surpluses while the provinces have to bear the unfair share.

We have worked hard to make sure that municipalities are economically strong and globally competitive. This week's conference will look at the innovative long-term strategies to help our cities respond to the economic, environmental and social changes. We will continue to work with all levels of government to make sure that we work in a positive and constructive manner.

ONTARIO POWER GENERATION

Mr Michael Bryant (St Paul's): The question is for the Premier. This morning, in media scrums, your finance minister and the former energy minister, Mr Wilson, echoed the comments of your energy minister last week; they just had nothing good to say about the performance of Ontario Power Generation. That wasn't the tune that was being sung by your energy minister last June, who said in this House, "OPG is running well. They've done a good job of privatizing. They've done a good job setting up the open market.... I think"—CEO—"Mr Osborne has done a good job, and at ... \$1.7 million a year I suppose that's reasonable."

I know what the position was this morning; I know what the position was in June. What we'd like to know from the Premier is, do you think that Ontario Power Generation is doing a good job?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): First of all, I know the honourable member can foresee all circumstances. I know that he obviously is an expert in building and renovating nuclear power plants in the province of Ontario, so perhaps you could just, you know, pop down to OPG and solve their problem for them in five minutes this afternoon when you're not doing anything.

The reality is, as the member for St Paul's knows, as every other member in this House knows, that this is a very complicated area in terms of nuclear energy. Obviously OPG's estimates that Pickering would be up and running by now were overly optimistic at the least, and obviously nobody's happy that they're not up and running.

Mr Bryant: You say you're not happy, and this government will continue to blow smoke on the performance of Ontario Power Generation, but when it comes to dressing down the management of OPG you continue to refuse to put your money where your mouth is. When will the bad performance of Hydro's hydra, OPG, translate into your hydro heads "getting a pay cut"?

The combined annual salary of your CEO and your chair exceeds \$2 million a year. You say they're not doing a good job. When are you going to put your money where your mouth is and give these folks a pay cut or, even better, sack them altogether?

Hon Mr Eves: I seem to recall that we had a similar issue in this House with respect to Hydro One many months ago, and I seem to recall that the honourable member voted against the bill that would address the problem.

Having said that, the issue about Pickering is obviously not an easy issue. If it were, people would have solved it a long time ago. The reality is it's not up and running today. Obviously, I'm not happy about that. I don't think anybody in the province is happy about that, and the Minister of Energy is looking into the issue and taking it up with OPG.

LONG-TERM CARE

Mr Ernie Hardeman (Oxford): My question is to the Associate Minister of Health and Long-Term Care. Every member of the House knows how important it is to meet the long-term-care needs of Ontario's growing and aging population throughout the province. This challenge is one that is faced across the province, and it's also faced in my riding of Oxford.

Minister, you will know that in Oxford, in the village of Norwich we have a 60-bed facility, a D facility, Norvilla Nursing Home, where there is a proposal to move the beds to a different facility in Woodstock. Both communities are in my riding, but the citizens of Norwich are very concerned about maintaining a nursing home or a long-term-care facility in their community for their community-type living.

1440

They have expressed some concern, and I want to thank the minister, who last Friday met with the concerned citizens to speak about some of the alternatives that might exist in bringing the facility to an A facility and maintaining it in the village. I was wondering if the minister could update us on that situation and what we're doing about the 60 nursing care beds at Norvilla in the village of Norwich.

Hon Dan Newman (Associate Minister of Health and Long-Term Care): I thank the honourable member for Oxford for his question. It is true that he and I have been working on this matter for the past several weeks. I want to let the people of Oxford know how hard their member is working on their behalf.

As the honourable member indicated, I met last Friday with the concerned citizens of Norwich to listen and to discuss the transfer of long-term-care beds to Woodstock. There's no doubt that every person there cares very deeply about providing quality long-term-care services to local residents.

It is true that 60 long-term-care beds at Norvilla Nursing Home in Norwich are proposed to be transferred a short distance away to Woodstock. But the proposal not only states that the beds stay within the honourable member's riding but that they will be located in a re-developed and upgraded facility where even better long-term care will be provided to the residents. This means that quality long-term-care services will continue to be available for the citizens of Norwich and the people of Oxford. A final decision should be expected shortly.

Mr Hardeman: Thank you very much, Mr Minister, for the very informative response. I'm pleased that you took the time to meet with my constituents to talk about

the possibilities for long-term care for the people of Norwich. I know how much even better long-term care means to them. They were very emphatic in the meeting about that. They are very concerned about the quality of long-term care for their citizens.

I'm very proud to be part of a government that's investing the historic \$1.2 billion toward even better long-term-care services in Ontario. I would like to ask the associate minister if he could please update the House on the status of our government's long-term-care bed implementation initiative in the Oxford service area.

Hon Mr Newman: As part of our government's unprecedented \$1.2-billion reinvestment in Ontario's long-term-care sector, five existing facilities in the Oxford service area will be redeveloping a total of 348 beds that don't meet the ministry's legislated structural standards. As well, a total of 21 new beds were awarded in the Oxford service area.

The 348 upgraded long-term-care beds will promote a more home-like environment for residents. The facilities will include comfortable home areas for up to 32 people. Each home area includes bedrooms and washrooms, as well as space for daily living activities such as dining and leisure. As well, bedrooms in each home area will accommodate either one or two residents, and activities and lounge areas in each home area will be close to each resident's room.

I say to the honourable member that these new long-term-care services will mean even better long-term care for the people of Oxford. That's what the Ernie Eves government's \$1.2-billion reinvestment in long-term care is all about.

DÉRÉGLEMENTATION DE L'ÉLECTRICITÉ HYDRO RATES

M. Gilles Bisson (Timmins-Baie James): Ma question s'adresse au premier ministre, s'il voudrait poigner son écouteur. Monsieur le premier ministre, vous savez que depuis que vous avez ouvert le marché au mois de mai, c'est rien qu'un désastre pour les consommateurs en Ontario. On voit des augmentations de 40 %, 60 % et 100 %, dépendamment dans quelle partie de la province on demeure quand ça vient au prix de l'hydro. On regarde ce qui va arriver cet hiver, parce qu'on sait que l'hiver passé c'était à 20 % plus chaud que ce à quoi on s'attend cet hiver, que les augmentations vont continuer à être même pires que vous vous attendez. Justement, M. Claude Briant, à Hearst, a regardé son augmentation du prix de l'hydro passer de 114 \$ l'année passée à 200 \$ cette année.

Ma question est très simple. La déréglementation ne marche pas. L'ouverture du marché ne marche pas. Quand est-ce que vous allez annuler toutes vos initiatives dans cette direction ?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): The honourable member has been here

in question period, I believe, yesterday and today and has heard me talk about the average price of power in the province. Over the May to October period it has gone up 23% on average. I will acknowledge that 16% of that is attributable to an increase in rates; 7% is attributable to an increase in volume. He also acknowledged in the preface to his question that indeed the weather does play a great part in what those rates are.

Having said that, we are going to address the issue surrounding people like the constituent he has just referred to in his question, and he will see in very short order that we will be taking action to reimburse people for monies they have laid out with respect to a price increase. However, people are going to have to realize, of course, that they can't use power in the same volume we have been accustomed to using in the past. I'm sure we all acknowledge that we have to do our part in conservation.

The Speaker (Hon Gary Carr): Supplementary?

Ms Marilyn Churley (Toronto-Danforth): Premier, let me tell you there's a hotbed of hydro hot heads growing in Toronto, and they want the NDP to deliver their message to you, because they know the Liberals support privatization. In my riding, Margaret Friese's hydro bill went up to \$317 from \$170 despite her best efforts to conserve, which you just mentioned. She and her son often sit in the dark, she cancelled her cable and stopped watching TV, the furnace is well tuned and kept low, but she still cannot afford your deregulated prices. Self-described former Conservatives Justice and Marlene wonder: "Is our only option to live in the dark, cold, heat, throughout the seasons, or would it be more reasonable to get rid of a party that definitely does not meet the interests of common middle-class people?" Premier, you are still not listening to 80% of the people of Toronto and Ontario who want hydro privatization stopped. Stop fiddling while Rome burns. Will you stop hydro privatization now?

Hon Mr Eves: I would appreciate looking at the information the honourable member has, because people who are governed by Toronto Hydro have their prices fixed at a lower rate and Toronto Hydro has in fact been absorbing any increase in the average price since the market became open. I would be interested in seeing the particulars of the case she refers to.

The Speaker: New question. The member for Durham.

Mr John O'Toole (Durham): My question is to the Associate Minister of Enterprise, Opportunity and Innovation.

Interjections.

The Speaker: I apologize. That was my fault.

New question. The member for Sarnia-Lambton.

HAZARDOUS WASTE

Ms Caroline Di Cocco (Sarnia-Lambton): My question is to the Minister of the Environment. You know that Ontario is the only jurisdiction in North America that

accepts untreated hazardous waste. I'm sure you have heard of the contaminated tar in Sydney, Nova Scotia, called the Domtar tank. I'd like to ask the minister, do you know that this highly contaminated material, this highly hazardous material will be trucked into Ontario to the CleanHarbors Safety-Kleen site because we are the only jurisdiction that will accept non-treated hazardous waste? Will you allow this hazardous waste to be dumped into Ontario at the end of the month?

Hon Chris Stockwell (Minister of the Environment, Government House Leader): You know full well that we're changing the regulations as far as transporting hazardous waste in the province of Ontario. It's been a number of years, and it hasn't been changed. We are the government that's moved forward to actually take the initiative to change the allowable levels of hazardous waste to be trucked into Ontario. This decision was taken by the Ministry of the Environment in the last couple of years. They were moving toward a situation that's the same in the United States as well as in neighbouring jurisdictions. If you would like to send me the information you have to see if it fits the criteria or not, I'll be happy to review it.

Ms Di Cocco: I'll be more than pleased to send you the information, because this is a \$3.7-million contract that's been signed and the shipment is going to begin at the end of the month, in a couple of weeks. Ontario is the only jurisdiction that will accept it untreated in such a high, toxic state. We're jeopardizing the environment. We're jeopardizing human health. It's literally going to be dumped into a landfill here in Ontario. We have become the toxic waste haven on this continent, Minister, and you have to change the regulations before something happens, not after the fact. Will you accept this waste in the next couple of weeks when the shipment begins?

1450

Hon Mr Stockwell: The reality is that we did in fact change the regulations. The ministry has harmonized a number of its hazardous waste standards with the US EPA. So they would not be allowed to ship the hazardous waste, simply because it wouldn't meet the same standards of the US EPA. They wouldn't be able to do that.

The truth of the matter is, since we've come to office there's been a 31% decrease in hazardous waste inputs into Ontario, because we agreed this was an unacceptable situation. So we've harmonized our position with that of the neighbouring jurisdiction.

Finally, yes, we are in fact in contact with Safety-Kleen's operations. We have in fact tested, we're on-site and we're negotiating with them as to whether it meets the standards we've changed the regulations to and that we put in place.

I'm really surprised the member opposite didn't know that. Surely you should have known that we—

Interjections.

The Speaker (Hon Gary Carr): Order.

Hon Mr Stockwell: Surely, you—

Interjections.

The Speaker: Order. The minister has 10 seconds to wrap up, please.

Hon Mr Stockwell: Surely, after I told you that at estimates committee two weeks ago, I thought it would have sunk in. But apparently, two weeks later, your attention span doesn't last that long. I told you two weeks ago that we've harmonized with the US and it would have to meet—

The Speaker: I'm afraid the minister's time is up. And now the member for Durham.

ONTARIO ECONOMY

Mr John O'Toole (Durham): My question is to the Minister of Enterprise, Opportunity and Innovation. I know yesterday marked a very important day for innovation in this great province of Ontario, with Ontario's Innovation Challenge held right here in Toronto, I might say. A key component of yesterday's summit was the unveiling of the first annual report of the province's Task Force on Competitiveness, Productivity and Economic Process. Minister, can you tell the members of this House, who are keenly interested, and the people of Ontario about the task force and their first annual report card?

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): I thank the member for Durham for this important question, and I would like to take this opportunity to thank the task force, chaired by Roger Martin, the Dean of the U of T's Rotman School of Business, for its work.

The findings confirm that Ontario is an extremely strong economy built on a solid foundation. Here's the important thing, and perhaps the Liberals might want to listen to this: outside of certain US states, Ontario is today the most powerful economy in the whole world. Per capita GDP has increased steadily since 1995, and among substantially sized countries, if Ontario were treated as a separate country, it would rank second in the world after the US.

However, there is still work to be done. We must work to close the prosperity gap—

The Speaker (Hon Gary Carr): I'm afraid the associate minister's time is up.

Mr O'Toole: I'd like to thank you for that, Minister, and I'd like to thank Minister Flaherty as well, and also extend thanks to the members of the task force. Could you give us some details on other measures and how you're gauging the very important performance of Ontario's economy—as we all know, a strong economy allows us to provide all the other wonderful benefits of our quality of life—and expand on some of the key points in the report issued yesterday?

Hon Mr Turnbull: Ontario outperforms Europe's so-called Four Motors, which are Baden-Württemberg, Rhône-Alpes, Catalonia and Lombardy. The report finds that Ontario has many advantages. We have a very beneficial mix of industry clusters, we have very strong participation in the labour market and we have a good demographic profile. In fact, Ontario ranks as doing very well on the creativity index. Toronto has one of North America's strongest creative classes.

The report cites tax rates as a significant factor in attracting innovation. This government has reduced taxes almost 200 times. This is something the members opposite have voted against every single time. We can take great pride in the work our government has done in creating a culture of innovation and prosperity. Our accomplishments reflect the findings of the report.

DEFERRAL OF OMB APPEALS

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Minister of Municipal Affairs and Housing. Minister, 21 days ago you intervened in a local democratic process in Ottawa, a process dealing with a change toward boundaries which had been planned to be in place prior to the next municipal elections. In fact, you brought the entire process to a screeching halt.

I have here a copy of the notice of deferral signed by you, as Minister of Municipal Affairs and Housing, where you give notice to the OMB that the appeals before it are to be deferred. My question is simply this: were you fully briefed on this file before you attached your signature to this document?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): Of course. I have an Associate Minister of Municipal Affairs, Minister Coburn, who is from Ottawa, who is in charge of this file. If you have a supplemental, I'm sure Brian would like to answer it.

Mr McGuinty: Minister, given that you now have made public that you were in fact fully briefed, I think the people of Ottawa are entitled to know the reasons behind your putting this whole matter on ice. Don't you think that is fair? You're the minister, it's your notice of deferral, it is your signature. You now confirm that you yourself were fully briefed. I think you owe it to the people of Ottawa to tell us exactly why, give us your reasons as to why you put this matter on ice.

Hon Mr Hodgson: This is a precedent that he's setting for if he's ever able to win an election and become the Premier: that he wouldn't have any cabinet ministers, that he wouldn't have any associate ministers, that he would have everything delegated to the Minister of Finance, who signs the cheques. For the Minister of Health, there are long-term care ministers who have handled issues capably, who communicate with stakeholders directly. There's a reason for that. We have a large province, we're trying to give more focus to municipal affairs and municipal issues, and the former Minister of Rural Affairs is in charge of this file: he fully briefs me and we brief the cabinet. As far as communicating it, I think he has done an admirable job. He has talked to all the media in Ottawa, and he continues to talk to the residents of the Ottawa area and the council.

ROAD SAFETY

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): My question is for the Minister of Transportation. Whether we like it or not, winter is just around the corner. In fact, some regions have already had a taste of

winter cold, snowfall, sleet and slush. These conditions, along with reduced visibility, from time to time mean treacherous travel across the province, particularly when we're not expecting those winter storms. Can you please inform this House and the constituents of my great riding of Bramalea-Gore-Malton-Springdale if your ministry is ready to respond to winter storms, and tell us what you will be doing to keep our roads safe for winter driving.

Hon Norman W. Sterling (Minister of Transportation): I appreciate the member's question. Winter has hit early in many parts of Ontario. I want to tell each and every one of the members here that our maintenance equipment and staffing levels are all at full complement and ready to respond. In fact, our winter maintenance standards and practices are among the best in North America. This means that we respond quickly and effectively to winter weather conditions.

In addition to those high standards, my ministry is using leading-edge technology to deal with winter weather: we're predicting through advanced weather forecasting; we're preventing by pre-treating roads with liquid anti-icing agents; we're patrolling on a continual basis and monitoring highway conditions so prompt dispatch of equipment can be made when needed; fleets of sand and salt spreaders and snowplows are ready to go when they get the call.

Our maintenance crews, our patrollers of the highways, do a tremendous job for the people of Ontario during the winter period.

Mr Gill: I want to thank the minister for his response. While I am impressed with the number of innovative things your ministry is doing to keep roads safe for winter driving, I also feel it is important that motorists have access to timely road and weather conditions information so that they can plan their trips appropriately. After all, avoiding dangerous conditions is the best protection one can have.

Minister, can you tell us how your ministry intends to inform the travelling public of the road and weather conditions across this province?

1500

Hon Mr Sterling: I understand that information is very, very important. We have important connects with various different TV stations, 24-hour, seven-day stations. We have a well-informed situation with regard to the conditions on a 24-hour, seven-day basis. We have an info line, 1-800-268-4686, which is continuously updated, to provide reports on current road conditions. We have a Web site, www.mto.gov.on.ca, which is another example of up-to-date information on a 24-hour, seven-day basis.

By keeping the public well informed about up-to-date conditions of our roads, the public can show better judgment and take better routes in order to avoid slippery and hazardous conditions.

HYDRO RATES

Ms Shelley Martel (Nickel Belt): I have a question to the Premier. Premier, you really need to listen to those

people who are writing and calling to express their serious concerns about hydro costs.

Thomas Grylls of Chelmsford has seen his bill go up by over 33% in the last three months. He wrote, "Ontario Hydro should have remained as Ontario Hydro."

Leonard Nieberg of Barrie is a sole-support parent with two disabled children in receipt of social assistance. His bill has gone up by \$80 a month. Leonard said, "The increase in hydro has pushed my budget over the top making it impossible for me to provide for the basic needs of my children."

In Hastings county the director of social services says that while the county is weeks away from official winter, they are "already bailing people out" through an emergency fund to help pay hydro bills.

Premier, when will you listen to these and many other people and cancel hydro deregulation and privatization?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): The honourable member has obviously listened to the debate in question period yesterday and today and would know the answer to her question already. I understand that rates, on average, for the period of May to October have gone up by some 23%. She's picked the last three months; of course, the market has been open since May 1.

I don't dispute the fact that people's hydro bills have gone up. We have said that we will respond. For those people who are on social assistance, they can ask for extra assistance to deal with bills if they have extraordinary circumstances.

The Speaker (Hon Gary Carr): Supplementary.

Mr Rosario Marchese (Trinity-Spadina): Premier, we're listening to you very carefully, and the majority of people want and say that public power is the only way to go. I know you don't listen to us, but you've got to listen to the people who write to us. And here's what they're saying.

The Uruski family, who used to vote for you guys, by the way, saw their bill increase by \$150 a month. They say you're driving more people on to social assistance to support their families.

Joseph Koziol saw his bill increase by \$325 a month. He asks you to remember California and, "Reverse the privatization of hydro and return hydro to government hands."

Gail Patterson says, "Hydro, like clean air and clean water, should not depend on the fluctuation of the market."

Premier, I know that Premier Klein probably told you, "Bribe people with their own money. Give them the rebate and it probably will work." You know very well that rebates are not going to solve your mess. The message is clear: end deregulation and your sell-off of Ontario Hydro and return to publicly owned hydro.

Hon Mr Eves: First of all, the honourable member knows full well that OPG has not been privatized, so to even suggest that in a question is not being accurate, to say the least.

With respect to his issue with respect to prices, he knows that we are going to respond to prices. Is he saying that now he doesn't want us to address this issue in a rebate program? He seems to be saying, "Don't come up with a rebate program." We are going to come up with a program—he will hear about it in due course—to deal with the increase in the prices of power that people have had to deal with from May to October, and we are going to come up with a long-term solution.

DEFERRAL OF OMB APPEALS

Mr Dalton McGuinty (Leader of the Opposition): I want to return to the Minister of Municipal Affairs. Minister, you told me a moment ago in response to my question as to whether you were fully briefed that you were, and yet you won't give us any accounting of the reasons behind your signing this document which put a democratic process in Ottawa on hold.

My questions for you right now are threefold and very simple: when were you briefed, Minister, who briefed you, and how long did the briefing last?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I know the Minister of Municipal Affairs would want to give you all the details on that.

Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing): This is an issue that I've been monitoring since it started. Because the city has now appealed their decision to the OMB, we're in a position where I'm not able to comment any further on this specific issue.

Mr McGuinty: You know, it's funny that the minister himself had no reservations whatsoever about interfering in a process that was before the OMB. This notice of deferral shut the whole damn thing down.

Do you know what I think happened, Minister? I think this was another walk-around. I think you attached your signature to a document without any real appreciation whatsoever for the consequences of interfering in a local democratic process.

I ask you again, Minister, on behalf of the people of Ottawa: you tell us you were fully briefed. When were you briefed, who briefed you, and how long did the briefing last?

Hon Mr Coburn: In municipal affairs and especially in the rural sector, I have a concern for all the residents who live in rural Ontario. With respect to this particular issue, now because there is an appeal with respect to the decision in front of the OMB, unfortunately I'm not able to discuss it in any great detail.

Interjection.

The Speaker (Hon Gary Carr): There is time. The member for Bruce-Grey-Owen Sound was up.

BIOSOLID MANAGEMENT

Mr Bill Murdoch (Bruce-Grey-Owen Sound): I believe there is time for one question, and my question is to the Minister of Agriculture.

Interjections.

Mr Murdoch: I got it right today. Anyway—

Mr David Caplan (Don Valley East): Ask him about hydro, Bill.

The Speaker (Hon Gary Carr): Please, let the member ask the question. I know we're having some fun, but it is annoying when people are yelling at you. The member has the floor.

Mr Murdoch: I'm only going to get one question; I'm not even going to get a supplementary out of this one.

Madam Minister, in a brochure that you have—it's an environmental brochure signed by the OFA and many of the other farm organizations—on page 14, I believe it's 7.2.3, it says that manure will not be able to be spread on snow-covered ground. I suggest that today, probably north of the 401 where it may be snowing, there may be numerous farmers right now who, if that regulation was passed, would be breaking the law.

I understand that if the ground's frozen, it's a different thing, but in this regulation it does say just if it's snow-covered. I have some concerns with that, because at this time of year, that would almost mean that no one would be able to spread solid manure from November to spring. That would put a lot of farmers in an unwanted position because they'd have too much of the manure to do.

Hon Jim Wilson (Minister of Northern Development and Mines): Pile it up.

Mr Murdoch: Yes, pile it up.

Interjections.

Mr Murdoch: Well, I've got all the time there is, you see, because there's no clock now.

Madam Minister, would you be willing to look at this regulation, sit down and have some consultation again with the OFA and some farmers from my area?

Hon Helen Johns (Minister of Agriculture and Food): I'd like to thank the member for Bruce-Grey-Owen Sound. As you know, we share Bruce together, so we always have challenging times.

Let me say that the Minister of the Environment, myself and the people within the ministries are working on regulations for Bill 81. The member is speaking about potential regulations dealing with manure management and the application in snow-covered areas.

I have been consulting with the farm groups across the province to be able to come up with something the agricultural community can live with. Obviously, we haven't come to any conclusions yet. We continue to work with the farms groups. I still continue to hear from farmers, like Mr Murdoch himself, who have an interest in ensuring that the agricultural community is protected and taken care of in the province. We, of course, will do our best to balance, as we have all the way along, the environment and the sustainability of agriculture in the province of Ontario. Both are very important to all of us in this House.

VISITOR

Mr Steve Gilchrist (Scarborough East): On a point of order, Speaker: Along with a number of my colleagues

who I know are participating in Take Our Kids to Work Day, I'm pleased to introduce to my colleagues my great-nephew from the town of Cobourg, Steven Race, who's joining us to see a little bit about what we do here at Queen's Park.

1510

PETITIONS

HYDRO RATES

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I have another hydro petition. It's to the Legislative Assembly of Ontario.

"Whereas electricity bills have skyrocketed under the Harris-Eves government's flawed electricity plan; and

"Whereas some consumers have signed higher fixed-rate contracts with retailers without adequate consumer protection; and

"Whereas the Harris-Eves government has failed to address electricity supply shortages in Ontario, forcing the purchase of American power at premium prices, driving the prices up; and

"Whereas the Harris-Eves government appointed a board of directors for Hydro One that has been paying themselves extravagant salaries, compensation packages and severances for senior executives; and

"Whereas Ontario Hydro bought 90 municipal utilities, serving about 240,000 people across Ontario, at premium prices and with borrowed funds. These purchases with borrowed funds have increased Ontario Hydro's debt burden; and

"Whereas the Harris-Eves government has added additional fees and taxes to local electricity distribution companies. These charges have also been passed along to consumers;

"Therefore be it resolved that we, the undersigned, demand that the Harris-Eves government take immediate action to ensure Ontarians have fair and reasonable prices for the necessary commodity of electricity in Ontario and that the Harris-Eves government and ... Ernie Eves call a general election on the instability of the energy market so that Ontarians may have a voice on the issue."

The signatures on this petition are from my riding and Prescott-Russell. I've also signed the petition.

ADOPTION DISCLOSURE

Ms Marilyn Churley (Toronto-Danforth): I have more petitions, this time from the area of Aurora. It's on Bill 77, the adoption disclosure act. It reads:

"To the Legislative Assembly of Ontario:

"Whereas Bill 77 passed second reading on June 28, 2001; and

"Whereas Bill 77, the Adoption Disclosure Statute Law Amendment Act, received committee hearings in November 2001; and

"Whereas Bill 77 addresses privacy concerns for those who wish to delay or avoid contact; and

"Whereas adoptees are dying from genetic diseases in the absence of their family medical history; and

"Whereas birth mothers were never promised confidentiality;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Immediately call Bill 77, the Adoption Disclosure Statute Law Amendment Act, for third reading and final vote."

I will affix my signature to this petition because I, of course, fully support it.

ELECTORAL BOUNDARIES

Mr John O'Toole (Durham): I'm pleased to have the page Alexander from Sault Ste Marie take this petition to the table.

"Whereas Elections Canada has proposed a change of boundaries for the current Durham riding; and

"Whereas the proposed new riding of Clarington-Northumberland would encompass two different levels of local government, namely Durham region and Northumberland county, and a combination of communities both inside and outside the greater Toronto area (GTA); and

"Whereas Clarington and Northumberland have differing interests with respect to the association with the GTA and Durham region; and

"Whereas the proposed Clarington-Northumberland population of 113,396 exceeds the provincial quotient by more than 5% and is likely to grow even larger as the high-growth communities within the area expand;

"Therefore we, the undersigned, respectfully request that the electoral boundaries be reconsidered to reflect the above concerns and that consideration be given to establish boundaries indicated on the attached map"—which I know isn't appropriate.

I'm pleased to present this petition on behalf of my constituents in the riding of Durham.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This is the continuing petition about multi-laning Highway 69. It's to the Legislative Assembly of Ontario.

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas in the last three years, 46 people have been killed along that stretch of highway; and

"Whereas, so far this year, 10 people have died tragically along that stretch of highway between Sudbury and Parry Sound; and

"Whereas the Minister of Transportation has not acknowledged the danger on that highway; and

"Whereas the government has withheld two feasibility studies concerning Highway 69 from the public; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of any government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I affix my signature and give it to our page Maureen to bring to the table.

EDUCATION FUNDING

Mr Rosario Marchese (Trinity-Spadina): I've got a petition signed by hundreds of citizens.

"To the Ontario Legislature:

"Whereas the government has cut over \$2 billion from public education over the past seven years;

"Whereas the provincial funding formula does not provide sufficient funds for local district school board trustees to meet the needs of students;

"Whereas district school boards around the province have had to cut needed programs and services including library, music, physical education and special education;

"Whereas the district school boards in Hamilton-Wentworth, Ottawa-Carleton and Toronto refused to make further cuts and were summarily replaced with government-appointed supervisors;

"Whereas these supervisors are undermining classroom education for hundreds of thousands of children;

"We, the undersigned elected leaders of the Elementary Teachers' Federation of Ontario, call on the government to restore local democracy by removing the supervisors in the Hamilton-Wentworth, Ottawa-Carleton and Toronto district school boards."

I support them and I will sign this petition.

HYDRO RATES

Mr Ted Arnott (Waterloo-Wellington): I have a petition that's signed by a considerable number of constituents from the Oakville riding, and I'm sure, Mr Speaker, you'll be acquainted and familiar with the text of this petition. It reads as follows:

"Whereas the province has stated its commitment to ensuring affordable hydro rates for the citizens of Ontario;

"Whereas the province's recent move to deregulate hydro rates and place them within the competitive context of the open market has resulted in actual and high

rate increases, including retroactive ones, for Ontarians, summer heat waves notwithstanding;

"Whereas these hydro rate increases, above and beyond what citizens have paid before deregulation, present a great burden to many young families and those who are on fixed incomes;

"Whereas the province itself admits that a review of hydro rates is necessary and has inaugurated one, albeit one with an overly lengthy mandate;

"We, the undersigned, petition the Parliament of Ontario as follows:

"That the province be directed to freeze hydro rates to last year's levels immediately during its current review of its deregulation policy and move forward to protect citizens of Ontario against such exorbitant rate hikes."

I am presenting this petition on behalf of my friend and colleague the Honourable Gary Carr.

The Speaker (Hon Gary Carr): I thank the member. Further petitions? Who didn't have one yesterday? I think the member for York West didn't have one yesterday.

Mr Mario Sergio (York West): I have another petition addressed to the Legislative Assembly of Ontario:

"Whereas electricity bills have skyrocketed under the Harris-Eves government's flawed electricity plan; and

"Whereas some consumers have signed higher fixed-rate contracts with retailers, without adequate consumer protection; and

"Whereas the Harris-Eves government has failed to address electricity supply shortages in Ontario, forcing the purchase of American power at premium prices, driving up prices still further; and

"Whereas the Harris-Eves government appointed a board of directors for Hydro One that has been paying themselves extravagant salaries, compensation packages and severances for senior executives; and

"Whereas Hydro One bought 90 municipal utilities, serving about 240,000 people across Ontario, at premium prices and with borrowed funds. These purchases with borrowed funds have increased Ontario's debt burden; and

"Whereas the Harris-Eves government has added additional fees and taxes on to local electricity distribution companies. These charges have also been passed along to consumers;

"Therefore be it resolved that we, the undersigned, demand that the Harris-Eves government take immediate action to ensure that Ontarians have fair and reasonable prices for the necessary commodity of electricity in Ontario and that the Harris-Eves government and its leader Ernie Eves call a general election on the instability of the energy market so that Ontarians may have a voice on this issue."

I concur with the content of the petition and those who have signed it, and I'm glad to affix my signature as well.

1520

EDUCATION FUNDING

Ms Marilyn Churley (Toronto-Danforth): I have hundreds of signatures from people who are concerned about international language weekend classes. They read:

"To the Legislative Assembly of Ontario:

"Whereas the Progressive Conservative government promised in 1995 not to cut classroom spending, but has already cut at least \$1 billion from our schools and is now closing many classrooms completely; and

"Whereas international language weekend classes are a needed part of learning for many students in our area; and

"Whereas the Education Act, specifically regulation 285(5), mandates provision of these programs where demand exists; and

"Whereas the Conservative government funding formula is forcing the Toronto District School Board to cancel these Saturday classes for groups who want this programming;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to instruct the Minister of Education to restore meaningful and flexible funding to the Toronto school boards, to ensure that they are able to continue to accommodate these Saturday international languages classes."

I will affix my signature to this petition because I fully support it.

HYDRO RATES

Mr John O'Toole (Durham): It's my pleasure to respond to my constituents in the riding of Durham in the following manner, first by presenting this petition:

"Whereas the province of Ontario has experienced record levels of electrical consumption this summer, along with higher than expected generating capacity shortages to meet the demand; and

"Whereas this has resulted in higher electrical bills for Ontario consumers; and

"Whereas short-term spikes in the cost of power are a particular hardship to persons on fixed incomes and a detriment to business in Ontario;

"Therefore we, the undersigned, request that the government of Ontario act immediately to develop a plan for protecting consumers against excessive short-term increases in the cost of electricity. We further request that the government of Ontario also review the impact of charges other than the wholesale electrical rates, including the" dreaded "goods and services tax (GST) and the debt reduction charges appearing on electricity bills of Ontario consumers."

I'm pleased to present this on behalf of my constituents in the riding of Durham, and present it to Lauren, one of the pages here in the Legislature of Ontario.

COMPETITIVE ELECTRICITY MARKET

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):

I have a petition to the Legislative Assembly of Ontario.

"Whereas the Harris-Eves government deregulated electricity on May 1, 2002, in the province of Ontario without it being in their election platform in either 1995 or 1999 and without the mandate of the people of Ontario; and

"Whereas the price of the commodity of electricity has reached outrageous levels, having risen at times over 100% since May 1, 2002, causing Ontarians great financial hardship; and

"Whereas the Ontario Power Generation (owned by the Ontario government) has applied to the Ontario Energy Board for a 20% reduction in the promised rebate to Ontarians if the commodity price of electricity rose above 3.8 cents per kilowatt hour; and

"Whereas competition in the electricity market has been scared off by the uncertainty of the Harris-Eves government's attempts to sell off a portion of Hydro One, leaving electricity commodity prices high; and

"Whereas the Harris-Eves government authorized exorbitant salaries and bonuses in the amount of \$2.2 million per annum be paid to the former president of Hydro One, and in excess of \$1.6 million per annum to the vice-president of Ontario Power Generation;

"Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government take immediate action to ensure that Ontarians have fair prices for the necessary commodity of electricity in Ontario, and that the Conservative government and its leader, Ernie Eves, call a general election on the instability of the energy market so that Ontarians may have a voice on this issue."

I affix my signature with pleasure.

ADOPTION DISCLOSURE

Ms Marilyn Churley (Toronto-Danforth): I have more petitions on Bill 77. This one reads:

"To the Legislative Assembly of Ontario:

"Whereas in Ontario, adopted adults are denied a right available to non-adoptees, that is, the unrestricted right to identifying information concerning their family of origin;

"Whereas Canada has ratified standards of civil and human rights in the Charter of Rights and Freedoms, the UN Declaration of Human Rights and the UN Convention on the Rights of the Child;

"Whereas these rights are denied to persons affected by the secrecy provisions in the adoption sections of the Child and Family Services Act and other acts of the province of Ontario;

"Whereas research in other jurisdictions has demonstrated that disclosure does not cause harm, that access to such information is beneficial to adult adoptees, adoptive parents and birth parents, and that birth parents rarely requested or were promised anonymity;

"We, the undersigned, petition the Legislature of Ontario to enact revision of the Child and Family Services Act and other acts to permit adult adoptees unrestricted

access to full personal identifying birth information; permit birth parents, grandparents and siblings access to the adopted person's amended birth certificate when the adopted person reaches age 18; permit adoptive parents unrestricted access to identifying birth information of their minor children; allow adopted persons and birth relatives to file a contact veto restricting contact by the searching party; replace mandatory reunion counselling with optional counselling."

I will affix my signature to this petition.

ORDERS OF THE DAY

TIME ALLOCATION

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 195, An Act respecting safe drinking water, when Bill 195 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment and at such time the bill shall be ordered referred to the standing committee on general government; and

That the vote on second reading may, pursuant to standing order 28(h), be deferred; and

That the standing committee on general government shall be authorized to meet at its next scheduled time for the purpose of consideration of the bill; and

That five days be allotted to hearings and one day allotted to clause-by-clause consideration of the bill; and

That, no later than 4 pm on the day the committee is scheduled for clause-by-clause consideration, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill, and any amendments thereto. The committee shall be authorized to meet beyond its normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession with one—I repeat, one—20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House; and

That, upon receiving the report of the standing committee on general government the Speaker shall—

Ms Marilyn Churley (Toronto-Danforth): You should be able to read it by heart—every day.

Hon Mr Stockwell: That's not my fault; that's your House leader's fault—the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading which order may be called on that same day; and

That when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on third reading may, pursuant to standing order 28(h), be deferred; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Speaker (Hon Gary Carr): Mr Stockwell has moved government notice of motion 61. The minister.

Hon Mr Stockwell: The long preamble basically deals with Bill 195, An Act respecting safe drinking water. I spent some time, I think, dealing with the opposition critics, Mr Bradley for St Catharines and Ms Churley for Toronto-Danforth, trying to find an agreement about how and where and when we deal with this bill in a proper and timely way. Having said that, there was no consensus, to say the least.

Mr Rosario Marchese (Trinity-Spadina): How come?

Hon Mr Stockwell: There are many reasons why there was no consensus, but I think mine is correct.

Mr Marchese: Tell us. Tell us about that.

Hon Mr Stockwell: I'm in the hands of the Legislature here. I don't mind reviewing the—I'll tell you, I didn't have a lot of problems with Ms Churley, the member for Toronto-Danforth. I think we were on the same page in trying to find a common theme in how we would get the bill out to committee and as far as public hearings. I know the Liberals did suggest that we have four meetings—one in the northwest, one in the northeast, one in the east, one in the west—and then one in Toronto. Beyond that, I didn't hear a lot from the NDP about what they wanted to see on travelling and the bill and so on.

1530

Ultimately, after three days' debate and with no clear consensus emerging, which means no position from the House leader for the third party, I had to make a decision. I tried to make the fairest decision possible. I hope the member for Toronto-Danforth understands that. I've allowed six days of committee, which the committee can determine how they use. If they prefer to travel on four days or five days, they can. I'm only saying that there must be one day of clause-by-clause.

It also dovetails nicely with Bill 175, which we just referred out the other day, which again is a water bill that probably has a lot of the same stakeholders, and a lot of the same deputants would appear. On that bill I also agreed to six days of committee hearings, and I've referred them both to the standing committee on general government in order that, again, we can dovetail the two bills and probably work out some program where we can

double up on the public hearings if that's what the choice is.

I have no fear of the public hearings on this bill. I think these are both good bills. As I said during the debate on Bill 195 and Bill 175, I think there may be disagreements on the nuances and there may be disagreements on the amount in the bills, but I don't think there's a tremendous amount of disagreement on the bill itself. I don't know anyone who's going to oppose—I can't say that. I'll be surprised, frankly, if any party opposes Bill 195. I think it's a good bill—safe drinking water. As my friend from St Catharines says, he looked for hostages in the bills and he could find none, because we built the bill in order to satisfy the concerns of Justice O'Connor's Walkerton report.

Having said that, the one criticism I've heard is the fact that we don't have our process for developing water management within the source protection part of the bill. It's a criticism that I've buffered, I suppose, by suggesting that if I'd waited for that part of the bill to be ready, then I couldn't have introduced nutrient management. I could not have introduced Bill 175, I could not have introduced Bill 195, because that part of the bill will not be ready until early next year. I think, in the best interests of the people of this good province, all parties would think that adopting nutrient management, adopting Bill 175 and adopting Bill 195—it's probably more important to get those in play rather than wait for the source protection bill that would have followed in the spring.

I was clear and up front with that with respect to—I see the member for St Catharines is back, and the member for Toronto-Danforth. I was clear and up front about that. That was the particular predicament I was in. I didn't want to wait; I wanted to get this on the table. I wanted to hear your concerns.

Also, by providing the committee hearing time, I wanted to hear about your amendments. I've heard some talk of amendments; I haven't seen them. I'm interested in seeing them. I know the member for St Catharines has made a lot of noises about providing amendments to the committee. I can only presume he's beavering away on these late into the night, and I will see a flurry of amendments coming forward.

Mr Dave Levac (Brant): Beaverling?

Hon Mr Stockwell: Beaverling—that's just another way of saying he's working hard. I don't think anyone would allege that the member for St Catharines doesn't appear to work hard.

I want to just say that this is a great opportunity for the members opposite, if they do truthfully have amendments, to put them forward.

The criticism of the bill—and I listened carefully to the member for Toronto-Danforth and I listened carefully to the member for St Catharines. They were speaking extemporaneously very often in their comments, but when they focused in on the bill itself, I didn't hear a lot of specific recommendations—

Ms Churley: I gave specifics.

Hon Mr Stockwell: Yes, let me finish—outside of the groundwater protection stuff.

Ms Churley: No, I did.

Hon Mr Stockwell: Now, listen, the member for Toronto-Danforth—and I don't want to challenge your thinking, OK? I will review the notes again and see if we have specifics. I'm going to be very interested in seeing the amendments offered up by the member for Toronto-Danforth. I'm going to be viewing those with a critical eye, because I do want to accept amendments that I think can make the bill better. I don't want to have you file 50 amendments and know that 27 or 28 are so politically motivated that there's no value to them.

I am truthfully being apolitical on this one. I want to try to make the bill better.

Interjection.

Hon Mr Stockwell: I know the member for Sault Ste Marie guffaws, but I will add that the entire buildup to this bill—I say to the member for Sault Ste Marie, we did consult with the member for Toronto-Danforth; we did provide her with an advance copy of the bill. We did talk to her. The staff at the Ministry of the Environment did sit down and talk to her and then briefed her and explained things about the bill and gave her advance notice of the bill. I did my best to try to brief the two members opposite during the briefing process beforehand.

In my opinion, excluding the source protection bit they spoke of, I don't think you're going to vote against this bill. You look fine, Marilyn; what are you doing that for? You don't need to, in my opinion. Besides the source protection part, I don't think there's any particularly difficult parts of this bill that you couldn't support. I say to the member—it used to be Fort York. Where's he from now?

Mr Marchese: Trinity-Spadina. Chris, how could you forget?

Hon Mr Stockwell: Trinity-Spadina. I know, I have a short memory.

I say to the member for Trinity-Spadina and to the member for Sault Ste Marie as well, if you seriously have some legitimate concerns about this legislation, bring them on, bring them forward. I will note that it wasn't as rancorous and difficult a debate through this House as I expected. In fact, we didn't even use the full three days in debate. I'm not casting aspersions on anyone, but I think it's probably because I'm not sure there is this vehement opposition to the bill that I think they thought could have been there had this bill not been drafted in the way it was drafted.

I reviewed the notes on the speech made by the member for St Catharines and he tended to wander somewhat in some of his comments. He spoke about many issues where I'm not sure how they related to safe drinking water, but invariably he had the Speaker's very clear attention and he somehow wove a lot of these conversations back to safe drinking water, which he can do so ably and many members of this House can't. That's a compliment, I might add, because I've never seen anyone who has the ability to actually talk about health care, policing and all kinds of things.

Mr Marchese: Because he knows.

Hon Mr Stockwell: He knows. He gets it all right back to safe drinking water, which is really quite astounding. I think all members in this House will agree with me, with what they say: "When the member for St Catharines gets up to speak, everybody listens." It may be a small crowd, but everybody listens. I'll be curious to see—I'm not sure if Mr Bradley will be speaking to this time allocation motion today, but I don't want to pretend I will be shocked if he does.

Mr Marchese: He's ignoring you.

Hon Mr Stockwell: I noticed. He does that when I speak, but he wants my enraptured attention any time he's up talking about anything to do with water.

Mr Levac: He's beaverishly working away.

Hon Mr Stockwell: Beaverishly.

Not to put too fine a point on it and to create a sense of camaraderie, of collegiality in this Legislature, I think we all agree that as to the Walkerton disaster, the terrible events that led to Walkerton, what grew out of that was Justice O'Connor's recommendations. I have done my best, as a good member of this House, as an honourable member, as all members are, to try to follow chapter and verse the recommendations put forward by Justice O'Connor. I can accept some criticism that I haven't worked fast enough, but I've worked as fast as I can and delivered bills that I think tend to be somewhat complicated in a very short period of time.

When you consider the fact that it was sometime in May—or June, I forget exactly—that we received Justice O'Connor's second report and had 93 separate recommendations, that we have now delivered a bill to this Legislature that adopts and puts into place 50 of the 93 recommendations, that another eight or nine are actually in the hopper being done—we didn't need legislative authority to do so—and that we're planning on delivering the rest of them in the spring, I think everyone would agree that is what you would classify as a fairly quick tempo to deal with the very comprehensive report Justice O'Connor did.

I know there are members of my caucus who would like to speak to this and I don't want to steal too much of their time, but in closing, I will listen very carefully to the comments made by the members opposite. I'm sorry this has to be a time allocation. I, candidly, am very sorry it's a time allocation.

Mr Bruce Crozier (Essex): Then don't do it.

Hon Mr Stockwell: I know the member opposite says, "Don't do it." There's a pragmatic reality I have to deal with. Unless I'm prepared to move a time allocation motion on this bill, I don't think I'll be able to pass this bill before December 12. I can't believe anyone would think not passing the Safe Drinking Water Act would be to the benefit of the people of Ontario. Ultimately, I did my best to try and negotiate an agreement between all three parties. I did my best. At the last meeting I said to the House leaders of both parties, "What do you want? Tell me what you want with respect to committee hearings on this bill. Tell me what you want. I'll agree to it." They wouldn't tell me.

Mr Crozier: They?

1540

Hon Mr Stockwell: Well, I shouldn't say "they." I don't want to name names, but one of them wouldn't tell me. So unless I can get some consent motion to deal with the bill through committee and back to the House, I am left with no alternative than to time-allocate a very important bill like safe drinking water.

Mr Levac: You had a choice.

Hon Mr Stockwell: Member for Brant, I can only say to you that you should take some time and read the standing orders—I'm not lecturing; I'm just saying—and if you can find any mechanism in the standing orders that would have provided passage of this bill by December 12 without co-operation from both parties, then I'm open to hearing your suggestions. But I don't know of it, and I've spent some time in this place—12 years. I spent three years as the Speaker. I've spent a number of years as House leader for the government side. I have a fairly good working knowledge of the standing orders.

Mr Levac: Change them.

Hon Mr Stockwell: Listen, I don't even want to go toward changing the standing orders. My good friend Bradley would blow a gasket, I'm sure, if there was any talk of changing the standing orders. He would implode right in this House and his jacket buttons would turn into projectiles, I'm certain. So I have no interest at all in commenting on changing the standing orders. And even if I wanted to change the standing orders, I couldn't possibly get the standing orders changed in time to get this bill passed.

I'm not throwing myself on the mercy of the Legislature, but I'm asking for some reasoned and thoughtful understanding and debate of this. And I appeal to my friends in the third party. I would ask the member for Toronto-Danforth to stand up, and if these don't jibe with her position on what took place, then I ask her to stand up and say, "He's not telling the facts." But I've tried my best. I did not want to time-allocate this bill whatsoever.

Mr Garry J. Guzzo (Ottawa West-Nepean): Let's sit around the clock. It worked last time.

Hon Mr Stockwell: Apparently the judge wants to sit around the clock. I'm not sure there's many who would, Judge, but we can always think about that.

I didn't want to time-allocate this bill. So here we are in a situation where I'm being forced to time-allocate it, and the only reason this time allocation motion is before us is that I can't believe anyone doesn't think this bill should be in place by the end of this session. And if there is someone who thinks we should take more time and not pass this bill by December 12, then I would ask them to stand up and say that. If the member for Brant believes we shouldn't be passing this bill before December 12 and not have a Safe Drinking Water Act, then that's your power as a member. Stand up and say so. If it isn't, then I think we have a responsibility to the taxpayers of this province and to our own parties to try to collectively negotiate an agreement that processes this bill through the House in a collegial way, that gets it passed by

December 12 and satisfies the concerns of the members opposite.

And if a truly draconian time allocation motion was before this House today, I say to the member for Brant and others, and to the member for St Catharines, who's listening intently, I say to the members opposite, why would we have six days of committee hearings? Why would Bill 175 have six days of committee hearings? Why would I be passing a time allocation motion that asks the committee to decide on how they want to travel and how they want to deal with this bill? I say it's not a draconian time allocation motion; it's a time allocation motion that has been moved in this House out of absolute necessity, and the necessity is that we can no longer get an agreement from the three parties, who collectively probably agree with this bill, to dispose of the bill. Nothing can work if that can't happen.

To the member for Renfrew-Nipissing-Pembroke, I was reading through a few Hansards in the past when he was House leader for the government, at the time the Liberal Party. I was reading about the give and take and the difficulties he was having as House leader. Do you know that practically on every bill he dealt with as House leader, as rancorous and cantankerous and difficult as I'm sure he thought it was, he got agreement? There was agreement to deal with and dispose of legislation. Much of that legislation's agreement was internal to that sitting. So they would introduce bills in that sitting, have a rancorous discussion between the House leaders about how that stuff should be disposed of, and they agreed, "OK, we'll have seven days of debate, we'll go three days to committee and we'll pass the bill." I can only sadly say, as House leader for this government in the past number of months, I can never remember getting agreement on anything—nothing.

Mr Levac: Whose fault?

Hon Mr Stockwell: Well, there's the rub. Whose fault is it? How do you square the circle?—I've said this before. Whose fault is it? I'm going to take some time and give you my take on whose fault it is.

Can it be the government's fault? Ultimately, you're going to go out and say—and, you know, the public frankly is just totally unenlightened about this. You can go out till the cows come home and tell them, "Oh, do you know this terrible government has moved 15 time allocation motions?" and they'll all go, "Jeez, those Conservatives, they moved 15 time allocation motions?" and you're going to say, "Yeah," and they're going to look at you and say, "What the hell's a time allocation motion?" That's what they're going to say to you because they have no idea what a time allocation motion is.

It's a notch in your belt. If that's the game plan, well, you've won. I say to the members opposite, you've won. But if you think this is going to bring a government down or prop it up or be an issue at the doorstep, I can only talk for those members who have been elected more than one time. I say to my friends from Fort York and Trinity-Spadina and the member for Renfrew-Nipissing-Pembroke, you know what the issues are. There are about

two or three, and I can't ever remember the number of time allocation motions being a campaign issue that swung five votes. I just can't remember it.

Mr Crozier: It's going to be.

Hon Mr Stockwell: Well, OK, it's going to. Maybe times will change and there'll be a huge hue and cry from the public out there that time allocations are the bane of the democratic process. I just don't see it. I think hydro may be an issue, education, health care, finances, deficits, but that's just one man's opinion from Etobicoke.

Mr James J. Bradley (St Catharines): Time allocation will be a big issue.

Hon Mr Stockwell: That's right. The member from St Catharines will make it the big issue. He'll spend his entire campaign budget on advertising our time allocation motions.

So I say, whose fault is it? Ultimately, we order the business of the House. But here's a good example, I say to the member from Brant. Here's a bill that I honestly believe we're all going to vote in favour of. I'm guessing, but I think we will. Here's a bill where I went to the House leaders' meetings and said, "Whatever you want, tell me, I'll give it to you," and here's a bill that I have to time-allocate because apparently that offer wasn't good enough.

When you go to a House leaders' meeting and say to the two other House leaders, "Whatever you want, I will give you," I'm not really sure how you can sweeten the pot. There's my dilemma: how do you sweeten the pot better than, "Whatever you want, I'll give you"? They didn't tell me. Well, I've got to be honest. The House leader for the Liberals told me what he wanted. I never really got a response from the NDP. They took notes.

Interjection.

Hon Mr Stockwell: I think it's too bad for the electorate because I think we could have worked something out. Then what happens is a unilateral decision made by the House leader for the government side about what I think you want, and that's what time allocation is. If I leave it to be debated ad nauseam, then I guarantee myself one thing: the Safe Drinking Water Act will not be in place by year's end. There isn't anyone in this province who would like to see the Safe Drinking Water Act not be in place by year's end.

We're at counter purposes here. We all agree the act's good. We all agree. The craziness about this thing is we all agree that the act is good, it should be put in place and we should have some debate, but we can't get from here to there, which is so frustrating for me personally because I walk into a meeting and say, "What do you want? Whatever you want, I'll give you." I think now you may have a better understanding of the dilemma I face as House leader.

This is not the only bill. I did, with some feverishness, like Phineas T. Bluster, as the member for St Catharines often says, try to announce the same kind of difficulties with emergency preparedness, which we all voted in favour of, but we couldn't get through the House because I had to time-allocate it. Who's opposed to emergency

preparedness? No, I don't want to be prepared in case there's an emergency? Nobody. We all voted in favour, but the same thing: I had to time-allocate that bill.

The funniest one of all of course is the bill that I think I saw the member for Brant speak to one night in the House, the one where if you see a cop on the side of the road giving somebody a ticket or something, you should slow down and pull a little bit to the left. Who's opposed to that? What is your amendment? No, speed up and go to the right so you hit the cop? What possible amendment could you have? I felt so bad for the member for Brant because he had to speak to this bill for about half an hour. I heard him and it was difficult, I know, to find anything to talk about that was remotely critical of the bill. He spent time talking about other issues, but on the bill itself, the number one point he came off on, the first thing he spoke about, was that the bill should be titled the other way around. Rather than talking about the police car first, you should talk about the person first. I would make that amendment in a heartbeat if we could have blown that through the House. But that's a good—

Mr Levac: Green lights?

Hon Mr Stockwell: Or green lights, whatever. But here's an example. It's a bill that we could just process through the House. Today, we're going to spend another sessional day debating time allocation on a bill where the offer to the opposition was, "However you want to handle this bill, I'm agreeable, but I'm time-allocating it." What a waste of a sessional day.

So, yes, I feel somewhat frustrated. I think this place has become less and less—

Interjection.

1550

Hon Mr Stockwell: Yes. And as I talk to members opposite, the member for Brant says, "You can change it," or you're going to go out on a time allocation motion and claim it's our fault. I think now you can understand in a smaller way what I'm up against. Maybe it isn't our fault all the time, if we can at least come to that. Maybe it is our fault lots of times but maybe it isn't sometimes. Maybe we can actually come together and reach agreement on bills that we have a mutual agreement about.

I did read with some interest Ian Urquhart's column today on the budget bill, suggesting there was a large package of initiatives in there that he felt was important that we review.

Mr Bradley: Hostages.

Hon Mr Stockwell: The member for St Catharines says, "Hostages." That's his choice of words, not mine. I don't agree with him, but that's the beauty of democracy. When you have a bill that you actually don't agree on, then you could spend a significant number of days debating it. We could take six, seven, eight, nine days debating that bill. Sure, we could, but why can't we? Do you know why we can't? Because we have three bills that everyone agrees with and we take 12 days debating them. So there's no time left over to actually have a meaningful debate on bills and legislation that we don't agree with. This isn't rocket science. Any five-year-old—

grade 5 kid could figure this one out. You only have so many days you can be in the House.

Mr Crozier: Five grade 5s?

Hon Mr Stockwell: No, that's wrong—grade 5. Kids in grade 5 could figure that out. But you only have so many days in the House. I know I don't have to tell the member for Trinity-Spadina. He was in the cabinet for the NDP. I know I don't have to tell the member for Renfrew-Nipissing-Pembroke or the member for St Catharines. They were part of governments that were in this House. There are only so many days you sit, and the government has an agenda. They want to get so many bills through the House. We all know that. Then it makes sense to me, since we are the government and we're going to get them through anyway, why not actually spend the time debating those bills we don't agree with, rather than spending a whole bunch of time debating bills we're all voting for, and in a kind of calmer, rational way? I was thoroughly frustrated last week. That's what I'm asking for.

The other thing is, we sit at nights all the time. If we actually did have a plan we could put through this place that we could agree on, you wouldn't have to sit at night. We could actually have the debates during the day and be done at 6 o'clock—not that we're frightened to work; I don't think anyone is frightened of work. But the presumption is that unless you're here, you're not working, and we know as politicians that most of your work is done at night anyway, dealing with local constituents, public meetings and so on and so forth. I know there are members of council from the old days and public school trustees and council members on our side here. You know full well all the public hearings and public meetings that you have are at night anyway. Would you rather be out there speaking to the community and the public or would you rather be in here debating a bill that everybody is voting in favour of? It doesn't make a lot of sense to me.

It's not an impassioned plea. I just wanted to put on the record that I feel bad that we have to time-allocate this. I do. It's a shame. I'm not casting aspersions on members opposite, certainly not on the member for Toronto-Danforth, although she came out and dumped all over the bill. I understand: she's in opposition; that's her job. But I think in her quieter moments she will grudgingly admit that we did try our best to see if we could find a way that we could all agree with this bill and move it through the process that would meet the demands you had about this bill and meet the demands we had.

The one demand that we made to the House leaders was that we needed this passed by December 12 and, frankly, I don't think either of you disagreed. You would like to see this passed by December 12. You would like to see these initiatives for inspections, certifications and training and all this stuff be legislated before the year is out. The only demand we made was, "Tell us what you want." That was obviously too much of a demand, because I couldn't get an answer.

The shame of it is that we're here today to time-allocate a bill that we all agree with, or I'm suggesting

that I think we may all agree with. I'm going to send it out to committee. "I"; yes, it's unilateral. That's what happens when you have to time-allocate. I'm going to send it out to general government for six days of public hearings, six days of committee time. It has been fited together with Bill 175, to go out for six days at that time as well. I've not dictated to the committee how much they have to travel or where or when they have to travel. All I've asked them to do is, "You've got to report this bill back to the House in time to have it passed by December 12."

I can't think of a more reasonable approach to take to this than we have. I'll be interested in hearing the comments. I'll be profoundly disappointed if the comments revolve around, "Time allocation, another draconian act, another government whipsaw that forced the shutdown of democracy," yadda, yadda, yadda. That's an awful shame because, if that's the argument you're going to use, then frankly, I've come to the conclusion that it really doesn't matter what I do. It really doesn't matter what I offer, it really doesn't matter how this place is supposed to work; it makes no whit of difference. All you're doing is trying to play this whole thing as a political end: you want to claim there's time allocation, you want to put a notch in your belt. Really, is that serving the public? I think not. I think this is one bill we could have come to an agreement on. This is one bill where I could have agreed with the member for Toronto-Danforth. If she wanted to go to three or four cities, I could have said, "Not a problem." If the member for St Catharines wanted to go to three or four other cities, "Not a problem. Let's do it."

We all agreed that it should probably be passed by December 12, but we couldn't. So if that's what I hear today, I'm going to be disappointed. I don't think it's us who are the problem on this one; maybe there are lots who are. I'm not claiming to have the moral high ground on this one, but I thought this would be the one bill that we could break the log-jam we've had for the last number of months, which is "three days' debate, time allocation, pass it." In a lot of these bills that are "three days' debate, time allocation, pass it," I think it's silly. I've outlined the bills on which I think it's silly. I would much rather have six, eight, 10 days of debate on the budget, but I am totally and completely frustrated. It's a hopeless endeavour and this is going to be the example that I have to stand up on.

The Deputy Speaker (Mr Bert Johnson): Further debate?

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I'm not going to have much of an opportunity to speak to Bill 195, so I'd like to take a few minutes this afternoon in this opportunity to address some concerns I have about Bill 195, An Act respecting safe drinking water, and collaterally, some comments with respect to Bill 175, An Act respecting the cost of water and waste water services.

I will say just in my opening comments that I have, as a former government House leader, a lot of sympathy with the comments made by the government House leader who just spoke. I guess where I will part company

with him is that I personally have come to the conclusion that our so-called parliamentary system is now so diseased that it is irredeemable. I don't think you can fix it. I don't have any option as a solution but I personally, as a member and as a taxpayer, am increasingly reluctant to put money into what is increasingly a charade.

I have to tell you, as a citizen, I would not spend a lot of my time going to the places that are now parliamentary. As well intentioned as they are, I just wouldn't waste my time because I just don't think, all things considered, it's a good use of my time. I would find other ways. And other ways are developing.

The fundraiser has become an extremely active alternative increasingly used by a lot of people. The street is another option for people who may not have or do not want to allocate financial resources. I think we are going to, and perhaps we should, be returning to more active or street politics. But why anybody would come to Parliament any longer to make a submission that might be six or seven minutes long on a subject that is complicated is beyond me. I've been to a number of committees recently—I'm not blaming anybody for this and I've got to tell you, I've no great confidence that changing government is going to do much about that. The Canadian parliamentary culture is in more trouble than I could possibly describe, and I regret it because I came here with some expectation. I actually remember a time when it was otherwise.

But I'm not here to talk about parliamentary problems today. I want to talk about Bill 195. As the government House leader and Minister of the Environment said, it's hard for any fair-minded person to oppose the bill in principle. I'm glad my friend Mr Beaubien, the former mayor from Petrolia, the member for Lambton-Kent-Middlesex, is here, because what I want to say today actually concerns small-town Ontario. The minister, in his remarks, made the comment about committees going to cities. You know, I'm not so sure that's where this committee should spend a lot of its time. There's no question that in cities large and small—I live in a smallish eastern Ontario city, Pembroke, population 15,000. We have a communal and municipally operated water and sewage disposal system, as do a number of other towns and villages in my constituency. Certainly the city in which we find ourselves today, Toronto, has a very elaborate infrastructure in these areas.

I think I read recently in a Statistics Canada report that now something like 80% of all Canadians live in cities of not less than 50,000—I think it was Canada; it may have been an Ontario number. At any rate, the vast majority of people living in Ontario live in cities of more than 50,000. When we think about it, it's not hard to understand how that is the case.

1600

When I look at this bill, I see a number of things that, as my friend Mr Bradley said the other night, I want to support, and I'm not going to repeat what my colleague said in his remarks the other evening. I do want to say a couple of things about small-town Ontario and the

pressures and problems that I think the bill presents for areas like rural, small-town Ottawa Valley and certainly elsewhere. Whether it's rural Oxford or small-town Lambton, Kent or Huron, there are a lot of places in the province where the good intentions of this bill are going to run into some financial realities that I think are going to cause municipal and provincial politicians some angst. But before I get there, let me review just a couple of things about Walkerton.

We were just talking about the importance of this bill. I hope we all remember what brought us here, and I just want to say a couple of things very quickly. I listened to the minister make his remarks on second reading the other night. There was certainly the suggestion, which has been broadcast across the land, that really the problem up in Walkerton was the Koebel brothers, wantonly incompetent local folks who really exposed their community to a deadly threat. I have read all of Mr Justice O'Connor's inquiry, and I read a lot of the evidentiary material presented to it. I want to be very clear: I think the Koebel brothers look very bad, and I deeply regret their ineptitude, incompetence and malfeasance.

I wonder, by the way, if anybody has really had a chat with those people at the town of Walkerton. Did anybody know these characters were as incompetent as they appear to have been? We will all do that. We will all say, "Who knows?" Seven people are dead, hundreds of people were sick. I ask the questions rhetorically, because a really serious transgression, maladministration and tragedy occurred at Walkerton. We now know a lot more about it than we did a couple of years ago. I guess one of the questions I ask is, does anybody bear any responsibilities? What about that town council? I have to say something here today: I'm not so sure I'm happy that I haven't seen a couple of people looking at me from a jail cell.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): What about the public utilities?

Mr Conway: Pardon me? Whatever—the people at the local level who were responsible. I know this is tough to say; I've been to Walkerton many times, a lovely community. I guess one of the questions I have is, are there more Stan and Frank Koebels out there? I hope not, but I wouldn't have believed it possible that that could have happened in such a beautiful Ontario town.

Mr Guzzo: What about tainted blood?

Mr Conway: My friend the judge points out the tainted blood scandal. Absolutely.

It is a real tragedy that occurred there, but it may be a greater tragedy that we have not yet exacted a full measure of accountability from the people who accepted that responsibility as a public trust and may not have discharged it. As I looked at the materials presented to the commission, we as a provincial government did not look very good. And I accept, in ecumenical spirit, that it didn't all begin on June 8, 1995. But looking at the details around the Red Tape Commission, I'm deeply, deeply troubled by what I saw. I must say to my friend

Norm Sterling that I was rather encouraged by the resistance he offered, as one Minister of the Environment, about what the Red Tape Commission—who could be opposed to cleaning up red tape? But when you see that Red Tape Commission under X-ray, as the Walkerton inquiry made plain, that Red Tape Commission under X-ray, that is a scandal. Now nobody cares because we're too busy, worried about some trivia. But there was a time when the Globe and Mail and maybe the Fifth Estate might have cared about what we now know is going on with the Red Tape Commission, particularly around some aspects of regulatory oversight in areas of critically important jurisdiction like water safety.

We have a bill now that seeks to deal with a lot of that, and I certainly support the bill in principle. One of the things I want to say, though, is on behalf of small-town Ontario—I'm going to cite a couple of examples here this afternoon. Again, my problem with these bills is that they are obviously suffused with good intentions, but the devil often is in the details. One of the questions that people like the Association of Municipalities of Ontario have asked is, what about the financial wherewithal to make this work? Let me use a couple of examples in my area.

I have, in south Renfrew county, a town site called Haley which was developed decades ago as an industrial site. About 35 or 40 homes were built on this site several miles from the nearest communities, the town of Renfrew and the village of Cobden. At the time—50, 60, 70 years ago—when the facility was established, the town site was built with what we would call an industrial water system. There are today about 35 or 40 people at the Haley town site. They have now inherited the communal water system. Do you know what their operating costs now are for that communal water system at the Haley town site? Let me just quote from the Cobden Sun, January 30, 2002: "Mainly because of new water testing regulations in the wake of the Walkerton tragedy, the cost of operating the [Haley town site water] system is now \$72,826 per year. The revenue being collected from the homeowners is \$9,808 per year, leaving [an operating] shortfall of \$63,018."

Let me just repeat that. I think there are about 35 or 40 homes in the Haley town site. I will admit this is a special circumstance, but there are several more like it around the province. So we've got a system that has about 35 or 40 people hooked up to it that now has an annual operating cost of \$72,000, and according to Councillor Ron Lowe, chair of the public works committee of Whitewater township, there is about \$130,000 of work to be done on the distribution aspect of that water system.

I don't need to tell you that operating costs of almost \$73,000 spread across 35 or 40 homeowners and capital upgrades of \$100,000 are simply impossible to imagine. We had a meeting the other day in the village of Eganville in the newly amalgamated township of Bonnechere Valley. They are looking at trying to expand their water and sewage systems to include more of the urban area. Do you know what they're looking at? They're looking at hookup costs per lot of about \$50,000. I can tell you that

in Eganville and hundreds of other communities in Lambton, Oxford, Kent, Renfrew, Grey, Hastings, Haliburton, Leeds, Lanark, Glengarry and countless other of the great Ontario counties and districts, there will be a great expectation that, yes, "Justice O'Connor had it right. Good for the Eves government and that Chris Stockwell for moving forward and accepting the recommendations."

And you know what? The legislation, all things considered, looks pretty good. How, but how, in Brigden or in Norwich or in Killaloe are we going to make it work?

1610

Mr Beaubien: Killaloe?

Mr Conway: Killaloe. I used the example the other day. In Killaloe, a community of about 700 people, they have a communal water system. There are about 140 or 150 people hooked up to it. The council told me not too many months ago that the new water testing requirements of the last year or two have added an additional \$145, I think it is, roughly, to the individual home or business on an annualized basis. We're talking about just water testing costs that have increased on a per-business or per-household basis in the village of Killaloe by something in the order of \$140 or \$150.

I can tell you what you already know, those of you in rural and small-town Ontario. We are going to have to find a way, at the senior levels of government, provincially and federally, to do a couple of things. When I look at issues like the Haley town site—and I bet you there's at least two or three of those in most Ontario counties—I think what we're going to have to do is find a way to pool those special circumstances into some kind of aggregate provincial pool with local, municipal, provincial and individual or business contributions. I don't know how else you're going to do what you want to do and have to do at the Haley town site.

I know my time is up because, my goodness, I've had about 15 minutes on an issue that is of real importance to people in my rural communities. I will say finally that in communities like Killaloe, Beachburg, Chalk River, Barry's Bay, Bancroft, Marmora, Madoc and so many other places, where we put in communal water and sewage systems by and large 35, 40 years ago, in most cases with provincial and/or federal subsidies on capital of anywhere between about 40% and 80%, we are going to have to, as senior government, find a way to put a financial package together for these smaller towns and villages and hamlets and special cases like the Haley town site. If we don't, we are going to have a great good intention in Bill 195 simply hung up and evidently on ruined ground, because rural folks in small-town settings will simply not be able to do financially what they know they should be doing on an environmental basis.

Ms Churley: It seems that I've been standing in this House lately talking a lot about water bills that have been rammed through the Legislature once again. I'm trying to find in my sheets of paper here a letter—of course I've lost it now—that Peter Kormos, our House leader, wrote on my behalf to the government House leader, which I

was going to read, and if I find it I will, on the process for the debate in this House and particularly around the committee hearings.

I need to set the record straight because of the comments the government House leader, Mr Stockwell, made about this party in particular not putting forward recommendations for committee hearings. In fact, this is what happened. The Premier had promised on a couple of occasions—indeed when he announced that the bill was coming forward, I was there for that announcement that day—that there would be extensive hearings. Mr Stockwell, the Minister of the Environment, had said there would be hearings. And then—of course I'm not in the room where the House leaders' meeting takes place, so I can only tell you my view and my version of what happened and why we are here having this time allocation motion and why, in my view, the amount of hearings we're having is not sufficient.

My House leader came to me and said that Mr Stockwell, the government House leader, wanted to negotiate with the two opposition parties around the hearings for the Safe Drinking Water Act. He wanted us to allow fast passage of some government bills in order to negotiate, to even talk to us, about hearings. So I had our House leader write a very strong letter; again, if I find it I will read it. At the time it was private, but now I'm annoyed enough that I want it on the record. The letter said that I was not pleased to have this bill, the Safe Drinking Water Act, tied up once again in the negotiations, and sometimes silly negotiations, which the public does not care about, around what bills get passed when and fast passage and time allocation; that this bill should not be included in those negotiations; that it's an important issue to the people of Ontario and, once it is passed, it will be with us for a long, long time and it has a lot of cost implications and other amendments that we are going to have to put forward, and I wanted to make sure there was sufficient time for hearings.

The other issue that came up is that—and the minister is now doing this. He wants to bundle the two bills, ie, he wants to bring the Safe Drinking Water Act and the sewer treatment act out together and deal with them at the same time in committee hearings. I was not supportive of that. Although they're both dealing with water, I would prefer to take two distinct aspects of the water issues that are before us. For instance, the sewer and water bill deals with full cost recovery, among many, many other things, but that one in particular, as we've talked a lot about in this House, is going to have a huge impact on municipalities, particularly the smaller ones across the province. They're going to want to be able to speak at length about the implications of that bill to them, and we've got to talk about options: what do we mean by full cost recovery?

So I wanted to have that bill dealt with at committee hearings separately. On the other hand, I had agreed to be reasonable about it, that the Legislature is sitting and it's hard to have full public hearings when we're sitting, and I didn't think it was a good idea to wait till the inter-

session, because I am, like all of us, anxious to get on with getting the Safe Drinking Water Act passed. So I was willing to be reasonable, and indeed, for the record—and I hope Mr Stockwell is listening—the NDP did come up with a list of suggested locations and times for hearings on both those bills, in two different versions: one was, if the minister insisted on bundling them, a way that we could expand the number of days across the province so people could have their say on both; and another version was, if the bills were done separately, how we could do that with the House sitting, maybe in constituency week or whatever. But we did have some options. As I understand it from my House leader, the House leader from hell, as Mr Stockwell likes to call him—I'm just quoting the government House leader here.

The Deputy Speaker: I want to remind you that the member withdrew that comment.

Ms Churley: Oh, OK. I withdraw it, then.

The reality is that my House leader told me that it's true we never presented our options, because the government House leader made it perfectly clear that unless we were willing to negotiate fast passage of other bills in this House, then we could have no say on the length of the committees, where we go or how, in any way, they're conducted. So, as it was told to me, we never did present our options for committee hearings because we weren't given that choice.

When we refused to put it on the negotiating table—which, by the way, happened with my Bill 3. Originally the Premier said that my Bill 3 would be passed with amendments—ie, to improve it—and the same thing happened in the last session. My caucus knows I'm still really angry about that, because Bill 3 got caught up in what I view as very silly and destructive negotiations around, you know, the horse trading that goes on in this place on the last day of the House. Bill 3 should never have been on the negotiating table. At the end of the day, the Minister of the Environment said, "OK, you won't give us what we want so we're not going to do your Bill 3. Forget it. We're just going to do our own." That's what happened with that.

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Then I found the same situation here in terms of being asked to come up with options for committee hearings, but then being told, "No, we want to negotiate those around other bills." That just was not on for us and the letter that was written to the House leader made that quite clear. Then the government House leader said to our House leader, "Well, there's nothing to discuss because you won't negotiate on those other bills." I have witnesses to part of this, because Mr Stockwell and I got into a rather loud yelling match up at TVO about this very issue. Mr Bradley was there; I don't know if he was in the room when we had this loud yelling match, but I know Steve Paikin was there. When I was told that the committee hearings for these bills were going to be caught up in negotiations again, I got angry and said straightforwardly to Mr Stockwell, "I don't want to see

that happen. This is too important to the people of Ontario to have it caught up in the shenanigans that go on around here. It shouldn't be caught up in trying to help you achieve your rather mismanaged agenda in terms of getting other bills through that you wanted."

That is just, for the record, what happened. I just want to make it clear that the New Democratic caucus did have a plan for public hearings. We were never able to put those on the table because once Mr Stockwell understood that we were not willing to negotiate away other government bills to get the hearings of our choice, he said, "I'm just going to do it on my own." That indeed is what he told me when we had this argument up at TVO.

So here we are now having a time allocation bill again today. We just had one on the other water bill. I think it's too bad, because these are the kinds of bills where every member who wants to speak to them should have an opportunity to do so, because they are so far reaching and what happened in Walkerton touched all of us and all of our constituents clear across the province in many different ways. All of the members in this House understand that both the bills before us, on sewer and water and the Safe Drinking Water Act, will have huge implications in our community. We want to see those bills passed. Particularly, I want to see the Safe Drinking Water Act passed with amendments that I will put forward.

I want to remind the Minister of the Environment, who was here earlier, and I hope he's listening now—he said the only complaint the opposition made about the bill was that it didn't involve or include source protection, and that is just not a fact. It's very clear that that is the major complaint, and I've already put on the record my feelings about that, how there has to be a legislative link between all of those bills to prevent another Walkerton. Justice O'Connor makes that clear. He talks about a multi-barrier approach. The first thing we need to do in that multi-barrier approach is to protect the water before it goes into the pipe. There has to be that legislative link between nutrient management and the Safe Drinking Water Act, as well as the sewer and water act and any other bills that come before us. If we're not protecting the water at its source and if there isn't that legislative link, then other Walkertons can happen.

Why I am not satisfied with the minister's response on source protection is this, and I've said this before. In 1999, the then Minister of the Environment, Tony Clement, said that they were looking at source protection, and then it appeared as though nothing happened. Walkerton came along and I brought forward my Safe Drinking Water Act, and nothing happened with that for two years. I implored, I asked question after question, I had petitions out all over the communities to get that bill at least up for reading so that, after a second reading, we could get it out to committee—which the government never agreed to. When it did pass second reading in this House, what the government members did was very clever, very cute, like a fox. They supported the bill, because how could they not support a Safe Drinking

Water Act? It was a good bill. So what they did was vote yes to the bill, but then—and this is procedural stuff, so people out there can understand it: once a private member's bill passes in this place, we can stand up and ask for the bill to go to a government committee, which is what I did. I asked for it to go to general government so that we could take it out to public hearings and bring it back into the House after amendments were made. The government then voted that down after voting for the bill and sent it to something called the committee of the whole House. We all know in this place that when a bill—and the government members knew full well what they were doing—is sent to the committee of the whole House, it goes nowhere. It's dead. It's finished. That's what they did to my Bill 3. So we wasted all of this time, in terms of moving on with the Safe Drinking Water Act and the source protection act that the government had said they were working on.

Then, on the day the government introduced the Safe Drinking Water Act, they announced that they're moving forward with source protection but they still are setting up an advisory committee to advise them on how to do it. That's why it's a problem that there is not that legislative link with this bill, and we don't know when it's coming. If they're just setting up an advisory committee now and we don't know who's going to be on it, that is really problematic. Because source protection is far more complicated than the pipes and pumps aspect of the Safe Drinking Water Act. It involves agriculture, land use, urban sprawl, other ministries.

Having said that, I will repeat again, so hopefully the minister will know that I have made some other quite legitimate criticisms of this bill—and I will be making amendments to try to improve the bill. Because what the government said at the time when they were willing to introduce or carry on with my bill was that they would amend it but improve it based on Justice O'Connor's recommendations, and I supported that. I thought that was a good idea because I wrote my bill without the benefit of Justice O'Connor's recommendations. He took a different approach. He recommended that source protection be dealt with under an amendment to the Environmental Protection Act. He dealt with the Safe Drinking Water Act more from the pipes and pumps perspective, the treatment and delivery of water. That's fine. But I also see Justice O'Connor's recommendations as the floor; that if it's possible to improve upon it, we should. We shouldn't take it as a ceiling and say, "Justice O'Connor said do exactly this" and not actually improve it.

So some things are missing from the Safe Drinking Water Act, and Justice O'Connor certainly didn't say, "If you can improve upon it, don't do it. Just follow my recommendations." The public right to know is something I've brought up before, and for the record, I will say again, that's a big piece that's missing from the government's version of the Safe Drinking Water Act. That is a big piece of the American Safe Drinking Water Act, which they've had in place for over 25 years. As we

know, one of the problems out of several that were found which led to the awful situation in Walkerton was that not only was the reporting all messed up because of the privatization of the labs, which happened so quickly, but also the notification to the community was delayed. Part of my bill went into great detail about the public right to know. I've discussed in this House on other occasions and even showed samples of the kind of notification I'm talking about, as well as a registry. That has all been left out of the government's Safe Drinking Water Act. I think that's one of the key things.

Some of the other things that have been left out are—I mentioned the registry. That's an electronic form containing all test results, copies of COAs, accredited labs, bad test notices.

The other one has to do with how people suffering damages may bring court action. I will say again, Justice O'Connor recommended against that; I recognize that. He said the government should stay away from that and bring in a certain standard of care. But I still argue that this bill—there's a compromise here: that people should have that right, and the way to do it would be to bring the whole Safe Drinking Water Act under the Environmental Bill of Rights. Once something comes under the Environmental Bill of Rights, it is subject to investigation if people request it and the Environmental Commissioner deems it is worthy of an investigation and, secondly, people under certain circumstances would have the right to sue. Maybe that's the best compromise. There are certainly other bills that come under the Environmental Bill of Rights, and this would be a good bill, in my view, to put under that.

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Another piece that's missing is requiring the minister to conduct research. This is something that was a big piece of many requirements I wanted to see the minister do, and that included dealing with source and groundwater protection, which admittedly, because mine was a private member's bill, needed to be improved and built upon. But that was part of my bill, to have the minister directly deal with source protection.

One of the big pieces that's missing, and I know the minister is not going to put this in the bill but it's absolutely critical, is what I call a safe drinking water fund, which was part of Bill 3, my Safe Drinking Water Act. You can have the best legislation and the best regulations in the world, but if you do not have the resources to have the inspectors, the people to enforce the law, the scientists to do the tests and all of those things, then it's not worth the paper it's written on.

We've seen that already after the massive cuts to the Ministry of the Environment. Justice O'Connor goes into great detail in discussing how that impacted on what happened in Walkerton, and indeed advised the government—it wasn't one of his recommendations because he felt it was not in his mandate, but he made a point of saying he was very concerned about the downloading. He called it restructuring, but I call it downloading to the municipalities, particularly around social services, which

municipalities were scrambling to cover. He suggested the government review that downloading to see what kind of impact it was having on municipalities, particularly in light of calling for full cost recovery of water services.

That has not been touched upon in this bill. It is being dealt with under the other water bill before us, but the minister told me, and I'm sure he's right, that he didn't put it in the Safe Drinking Water Act because we would disagree about the amount and he's hoping to have a bill that we can at least all live with. I understand that. I'm happy to see that safe drinking water fund in the other bill, as long as it's adequate.

But I don't see any signs of the government putting the resources back in the ministry or enough resources back into the whole water area to make this act work. I understand that municipalities are very nervous about these two bills, particularly the smaller ones, many of which have not been able to fulfill the requirements of the new regulations the government brought in after Walkerton happened. I know that not all the money that was supposed to be allocated under SuperBuild has been spent, that some municipalities applied and for whatever reason didn't get it, and that money has now gone back into the consolidated revenue, which I find extremely alarming, given what we're hearing about municipalities that have recently been charged and are before the courts on some of these infractions.

These are some of my concerns about the Safe Drinking Water Act as it's now written. There are other things in the bill that I have concerns with, and they're more technical but could really make a difference. There are parts of the bill that say "a minister may" or "the ministry may" instead of "the ministry shall." It opens it up to too much discretion on the part of the minister or the ministry. Those are the kinds of things we have to look at.

There are a couple of big pieces I would like to see incorporated into the bill, like the purpose of the act, which has been watered down, so to speak. The purpose in my bill is much stronger and really sets the tone for what the bill should accomplish. The public's right to know and the registry are vital. I know I'm not going to get the safe drinking water fund in here, and I still would like to see it here, but I want to see the government in some way put dedicated funding back into our water system. Several other amendments will be more technical in nature around strengthening the bill.

So I would say to Mr Stockwell, the Minister of the Environment, that I have pointed out on many occasions over the past week or so, when I've had the opportunity to speak to those bills at length, and have put on the record and have again today, the concerns I have about the Safe Drinking Water Act.

I've also been fair. I believe the government followed fairly closely Justice O'Connor's recommendations for a safe drinking water bill from his point of view, around looking at it from the pipes and pumps perspective: safe delivery of the water once it comes out of the tap. The

problem is that there are some pieces from my bill that could have improved on that that Justice O'Connor talked about. In fact, he talked quite a bit about the public's right to know. He hasn't recommended, as far as I know, where it should go, but he certainly talked about it as being very important. This is the perfect bill to include that piece in.

I'll wrap up by talking again about source protection. We will be watching the government very closely and holding their heels to the fire on this one, because we know that with this bill and the nutrient management bill but without source protection, another Walkerton could happen. That's just not acceptable.

I understand an awful lot of work still needs to be done, and that's going to mean properly funding the conservation authorities as well, because the government cut, I believe, up to 70% of the conservation authorities. They also, when they came to power, cut the CURB program, the clean up rural beaches program, which the NDP brought in and which dealt directly with keeping manure out of our waterways, working directly with the farmers on that. They also got rid of the green planning act, which of course dealt directly with source protection, because it stipulated where and how developers could build—or not at all—in environmentally sensitive areas. As Minister of Consumer and Commercial Relations in the NDP government, I brought in the toughest regulations in North America around leaking underground storage tanks.

There were a lot of things the NDP started to do around source protection. It needed to be improved upon and all brought together, and there was more work to be done. What this government did in fact was to walk in and, of all this work that had been done and put in place, most of it was taken away and resources cut and the ministry cut to the bone. A lot of the work that had taken place was completely stopped in its tracks. Now the government is scrambling to put together a source protection act, which I'm going to tell you right now is going to include a lot of the things that were in that green planning act and the CURB program.

I'm disappointed the minister feels he had to time-allocate this. I know many of my colleagues who haven't had an opportunity to speak on the bill will now not have that opportunity. I'm very disappointed that the government did not allow more time for hearings and disappointed that they've been bundled and we have to do two bills, very important bills, within, I think, the course of a week. I understand it's going to be the week after constituency week, the week after next.

We won't be in the House—I guess we'll get special permission to do that—and we'll be travelling around. I agree we should not be just in larger cities, but particularly we need to be in the rural areas where it's probably going to have the biggest impact.

Thank you for this opportunity. I will leave the rest of the time to my colleagues who are waiting anxiously to have an opportunity to speak to this bill.

Mr Ernie Hardeman (Oxford): I'm pleased to have this opportunity to take part in the debate on the proposed

Safe Drinking Water Act. As you will remember, Mr Speaker, in his presentation the minister did an eloquent job of explaining the closure motion before us, to facilitate the passage of the Safe Drinking Water Act. He spoke about his reluctance to have to do it, but also explained to us all the reasons it had to be done, to facilitate the passing of this bill, so I won't spend a lot of my time on that.

Our government is committed to ensuring that Ontario has and enforces the best and the toughest clean water policies in the world.

In part two of his Report of the Walkerton Inquiry, Commissioner O'Connor was firm about Ontario's need for legislation that would ensure the safety and sustainability of our drinking water.

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The proposed bill supports the delivery of 50 of the 93 recommendations in part two of the report. For the purpose of this discussion, I will focus my comments on the compliance and enforcement provisions in the proposed bill. A key priority for this government is to include the public in its decision-making process. To this end our objective is to implement all of the recommendations of the O'Connor report as clear evidence of this commitment. In balance with this consultative approach, however, is our unwavering commitment to set and enforce tough environmental standards. A number of recommendations related to compliance and enforcement are nested within recommendation number 67 of the proposed Safe Drinking Water Act. In addition, Commissioner O'Connor made the following recommendations:

"Recommendation 72: The provincial government should create an office of Chief Inspector—Drinking Water Systems."

"Recommendation 73: Inspectors should be required to have the same or higher" degree of "qualifications as the operators of the systems they inspect and should receive special training in inspections." In other words, we have to be more knowledgeable than those whom we are inspecting.

"Recommendation 74: The Ministry of the Environment should increase its commitment to the use of mandatory abatement."

"Recommendation 75: The Ministry of the Environment should increase its commitment to strict enforcement of all regulations and provisions related to the safety of drinking water."

"Recommendation 76: The Ministry of the Environment should initiate a process whereby the public can require the investigations and enforcement branch to investigate alleged violations of drinking water provisions."

The bill would modernize and strengthen the laws that protect the quality of our environment. We propose to strengthen compliance and enforcement provisions and we will create a new position of chief inspector. We are prepared to take a tough stand and give our chief inspector the tools he or she needs to enforce the proposed Safe Drinking Water Act. The duties of the chief in-

spector for drinking water systems are defined in our proposed act. We believe these duties provide the chief inspector with the level of authority he or she needs to effectively fulfill his or her obligations.

For example, the chief inspector of drinking water shall: provide advice and recommendations to the content of the ministry's inspection policies and be responsible for implementing that policy; be responsible for developing and updating the inspection protocol; be responsible for developing, updating and implementing the inspection training program; monitor the overall frequency and adequacy of inspections; report to the public about the overall performance of Ontario's water supply systems and inspections program; and perform any other duties as may be prescribed by regulation. As time goes on the minister can, by regulation, increase the number of regulations that would empower the inspector.

Specific compliance and enforcement provisions will include the following: systems with deficiencies must have a follow-up inspection within one year—again, that was one of the items in the O'Connor report that suggested there was not enough follow-up after deficiencies were found; the minister will have explicit authority to issue directives on inspection policies and protocols; the Ministry of the Environment will also train inspectors to ensure that they have the same or higher level of qualifications of the systems they inspect. As well, they will receive special training in inspections; and we will also establish clear procedures for addressing requests from the public for the investigation of alleged offences. In addition to being guided by Commissioner O'Connor's report, the proposed compliance and enforcement provisions are already based on a strong foundation.

In the report *Managing the Environment: A Review of Best Practices*, we have outlined a framework for this government to move forward with a vision that will enable the Ministry of the Environment to carry out its core business of environmental protection more effectively. The bill is consistent with the concepts of the *Managing the Environment Report* and is based on the premise that in order to ensure sound environmental stewardship, Ontario must have clear laws, stringent regulations and tough standards in place. It also sets the stage to move beyond what is required by law, and adopt an ethic of continuous improvement.

There are also several compliance and enforcement provisions of the proposed bill that build on the Environmental Protection Act and the Ontario Water Resources Act. These provisions include: inspection powers similar to the powers in the Environmental Protection Act and the Ontario Water Resources Act, such as entry to dwellings, seizures and use of force; new powers for provincial officers to inspect labs that test drinking water; director's and minister's orders to deal with imminent drinking water health hazards; orders to decommission or replace systems; the appointment of an interim operating authority or proven alternative service delivery; and penalties that are consistent with the Environmental

Protection Act and the Ontario Water Resources Act. We did, however, increase the fines for subsequent offences for individuals who cause a drinking water health hazard from \$6 million to \$7 million. This is consistent with the proposed fines in Ms Churley's private member's bill.

As well, the proposed bill includes other powers that are needed for the effective functioning of the bill. These powers are aligned with the Environmental Protection Act and include such key elements as control orders, stop orders, remedial orders, preventive orders and program approvals.

In the past year we've worked hard to ensure that Ontario's drinking water is the best and safest drinking water in Canada. We will continue such programs as Operation Clean Water and move forward on a comprehensive strategy to protect Ontario's groundwater. We will work to increase the amount of waste diverted from landfills and develop a framework for cleaning up contaminated lands.

Through the proposed creation of the new position of chief inspector, this government's vision of strengthened environmental management will take even firmer hold. We will rely on contributions from all Ontarians to support the chief inspector's role in compliance and enforcement.

I urge all members to support the proposed Safe Drinking Water Act and to pass it as quickly as possible to benefit all the people of Ontario.

Thank you very much, Mr Speaker, for allowing me a few moments to speak to the bill.

Mr Bradley: As I always do when we're dealing with a time allocation motion, I express my concern that the government has once again resorted to a time allocation motion, which has the effect of choking off debate in the Legislative Assembly.

It would have been my preference to have an extended debate on this matter. I thought the government House leader made a good case in a couple of other bills for shortened debate. I've always believed there are some bills that should pass the House with very little debate because there's a consensus, they are simple bills and so on.

This is one that has some significant ramifications. This is the kind of bill that should have all members of the Legislature who wish to speak to it, speak to its specific provisions. We won't have the time to do so because the bill is being time-allocated and others won't have that chance to bring up, as my colleague from Renfrew-Nipissing-Pembroke did, the instances of the smaller towns. That's one of the concerns I have about this bill that is being time-allocated this afternoon.

For the regional municipality of Niagara or, if you want, the city of St Catharines, it will be onerous because there are new responsibilities that must fall upon the local government, and those responsibilities will cost money. It is likely, however, though it will be somewhat of an imposition, that the larger municipalities, with a larger tax base, will be able to implement the provisions without too much pain to that community, though it is going to have some impact.

Where we will see it is in the kinds of towns, villages and hamlets the member for Pembroke mentioned in his constituency and across the province. What is implied in the recommendations, and they were solid recommendations, in my view, from Justice O'Connor, is that it is going to require, first of all, for the Ministry of the Environment the hiring of a significant number of additional staff, the provision of probably millions of dollars of additional funding, and of course the clout necessary for the ministry to be able to carry out its obligations under this bill. That is where some of the resistance will come.

I think in general people will say, "You know, we need this kind of legislation." I found in the bill some very supportable provisions and I think people would find that. But what you're going to find is that in the smaller municipalities, or where there are exceptional cases where water is supplied to just a small number of people, it is going to be extremely onerous. This is where I think the provincial government must give an undertaking, with the passage of this bill, to be a funding partner along with those local municipalities. I remind you that that cost will not only be a capital cost but it will be an ongoing operating cost for those municipalities.

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Second, as I have mentioned previously, I would have preferred that we deal with the source of the contamination in legislation of this kind or in parallel legislation. Let me tell you why I think it perhaps would have been important, I won't say ahead of this piece of legislation but as part of or in partnership with this legislation. If you protect the raw water supply for many of these communities, you will find that all the sophisticated equipment and all the details of this bill would be less relevant. I'm not saying they wouldn't be important enough, but if you deal with the contamination in the raw water supply itself, you go a long way to protecting the drinking water in any specific area. So I have a concern about that.

The bill did not take into account some of the serious and reasonable suggestions of the Canadian Environmental Law Association, which has had a long history of calling for this kind of legislation and of dealing with the details of it. I had a chance to meet with members of CELA, as it's called, to discuss specific aspects of this bill. Although they had not seen the legislation, they did draw to my attention what they felt should be in such legislation. So I find it unfortunate that we will not have members from various communities who will be able to get up and perhaps isolate some provisions of the bill that may be of great significance to their municipalities.

I know as well that those who are involved with conservation authorities and those who in the past have worked for the Ministry of Natural Resources and the Ministry of the Environment and have had their jobs chopped will be able to tell us how important it is going to be to restore that staff. I mention the Ministry of Natural Resources, because a lot of people don't recognize that they are also involved in water quality issues themselves and through their association with conservation authorities across Ontario.

I also have a concern about municipalities selling their operation to the private sector, although I must say the concern may be greater in the companion bill, Bill 175, dealing with full cost accounting. I would hope the government would include as its own amendment, if not accepting an opposition amendment, a provision in both these bills that would call for the retention in public ownership of water systems in this province. I don't have a problem with OCWA, the Ontario Clean Water Agency, which provides some of these services and indeed came to the rescue in Walkerton at a key time. It is a quasi-governmental or crown corporation type of operation in which I think a lot of people have some considerable trust. I do have a problem, though, when municipalities faced with these new obligations feel compelled to completely sell and relinquish the ownership of their water systems because, again, I feel that's something that should remain in the public domain. There are a lot of things that I believe should remain in the public domain, and there are some that of course should be in the private sector.

There are going to be hearings. I listened with some interest again to the member for Pembroke, who suggested that we usually go with these hearings to the major metropolitan or urban areas in the province. I think there was a suggestion on his part that perhaps we, as a committee, might want to visit some of the other smaller communities that will be impacted by this, or if we are in larger metropolitan or urban areas, at least ensure they're close enough that people from smaller municipalities can make their views known.

We will also want to hear from the environmental community, which has studied this problem and had a great interest in this problem over the years. We will want to hear from experts in the field of the protection of water supplies and the treatment of water in the province, because there are new methods. I recall—it wasn't that long ago—a report that came out saying that some 20 or 30 municipalities of some considerable size did not have water filtration systems. North Bay was one of them, at the time; I was quite surprised by that. They did chlorinate the water, because you have to ensure you're killing the bacteria that can be a problem. However, there was not a filtration system that would catch a problem such as cryptosporidium, which has had an impact and made a number of people ill in some communities. So I want to see that happen, those new systems implemented. I think, partially as a result of one bill, the other bill and some public pressure, we will see those kinds of systems implemented. I wish we didn't have to. A lot of people said, "Wouldn't it be nice if we just drew our water from a spring and drink the water the way they used to in the old days?" Well, that's simply not the way we can do it today, particularly—and I see the Minister of Agriculture and Food here today—when we have much larger farming operations in the province, which have an impact on water supplies.

There are some who say that the people who are going to be most resistant to the Nutrient Management Act or

most resistant to this kind of legislation are going to be members of the farming community. Wrong. These are people who themselves rely so very often on ground-water or well water, and not on the so-called sophisticated treatment systems that large urban areas have. So they have a vested interest in protecting the water supplies of the province. It is something we must do, something we must assist our rural municipalities with. I know the Minister of Agriculture and Food will be advocating within the government for substantial funding to assist those smaller communities that have to meet the justifiably onerous obligations that are found within this particular bill.

I also have a bit of concern, and I will wander a bit from this bill, but since we're in a time allocation situation, I guess I can do it.

Hon Helen Johns (Minister of Agriculture and Food): What else is new?

Mr Bradley: The Minister of Agriculture and Food says, "What else is new," but in this case the wandering will be a very short distance away.

It's what is happening to fixed-income and lower-income people in the province. The problem with theory of full cost accounting and of people paying exactly what it costs for all costs that are associated with providing drinking water and dealing with the sewage is that a lot of low-income and fixed-income people are confronted with—and you know what I'm going to say now—huge, spiralling increases in charges for power and for insurance premiums. People are finding, as they get their premium notices, that insurance premiums are going up. The last I looked, the cost of natural gas wasn't going downward; it was going upward. When they go to the pump to buy gasoline for their vehicle, that cost is up considerably if you look at two or three years ago and what it is today. All these basic costs that people have to meet are going up.

If you said the cost of cigarettes is going up or the cost of booze is going up or the cost of some other things that are not considered to be essentials of life is going up, some people would say, "Well, the cost is going up. That's a frill." But when you're dealing with these costs, and then someone says you're going to be hit with huge increases in your water bill, one says, "Let's have the provincial government as a funding partner in this regard. Let's have them help out; there's a larger tax base." Or even within municipalities, there may be some funds that could be derived from the tax base to assist in meeting this cost. Of course, we want conservation to be an important component, and we hope conservation will emerge with these two bills.

1700

An interesting thing happens, though, that makes people a bit suspicious of this, and maybe a bit cynical; I've seen it happen from time to time. They'll say, "If only you reduce your consumption of water, your bill will go down." But then the unit cost tends to go up to maintain the operation of all the equipment. So you can reduce, say by 10%, the amount of water you're using,

and the amount of sewage that you produce as a result, because the water is going down the drain. But on the other hand, the municipality may turn around and say, "We need these funds, by the way, so we're going to increase by 10% the cost per unit"—per gallon or per litre or whatever we use today. That tends to make people a bit suspicious and cynical and it's a bit worrisome.

I wish we could have had more time in the House for individual members to talk about this legislation.

Interjection.

Mr Bradley: No, I cannot do that.

Interjection.

The Deputy Speaker: Order.

Mr Bradley: But I do want to say that I hope in the committee hearings we're able to hear from a broad spectrum of people of Ontario to look at the ramifications of the bill, because I know that on the government benches there is not unanimity on this bill either. That's to be expected, with the large number of people there.

I look forward to what is coming. I will vote against it, as I do vote against every time allocation motion that comes before this House. But I do so knowing at least that there are going to be some public hearings, and I wish that we would see some considerable third reading debate as well.

The Deputy Speaker: Further debate?

Mr Marchese: Thank you, speaker. I took the tie off. It was getting too stuffy in here.

Mr David Caplan (Don Valley East): Kormos is having an effect on you.

Mr Marchese: It liberates you from time to time. Do you notice how free you feel, a "free at last" kind of thing?

I'm happy to have this opportunity to speak to the bill, but happier to speak to the closure part of this bill, reminding you that the Minister of the Environment spent literally half an hour to talk mostly on, "Wouldn't it be nice to be able to work together? Why don't we come together? Why can't we agree on stuff that we agree so that we can facilitate things and just move them along? Why is it that these things can't happen?"

He was very sincere, which is an unusual stance for Stockwell, the Minister of the Environment, because I do remember Chris when he was just about here in opposition. If you had heard him then, Speaker, and you weren't here at that time, you would say that he is a reformed man, that he has seen the light and he has changed and is urging the rest of the members to do the same. Why, when he was here, he wouldn't let anything pass. When he was here he would be ringing bells day in and day out. If someone would say to Chris, "Chris, would you mind if I just step out for a moment? I've got something to do. Please don't call for the bells," Chris Stockwell would be here, as soon as you stepped out those doors, to ring the bells. That was Chris then. Chris would use every opportunity to stall, to be an obstacle wherever possible to the then NDP government, because as he saw it, that was his job. His job was to be the opposition.

The member for St Catharines knows that our job as opposition members is to oppose. It's unusual to hear members from this assembly, and in particular the member from Renfrew-Nipissing-Pembroke, say that the political system is diseased, I believe—yes, I think that's what he said—is diseased, irremediably so, he argues—a frank discussion, a frank point of view that we're never going to be able to debate in this place. It's sad because it could be easier. We could make the parliamentary process a little easier. But you see, because so many of these Conservative members who are here—there are seven. Only one of them was here in the reign of the New Democrats and only he, Mr Turnbull, would remember the role they played in opposition: to obstruct the then NDP government. The sad thing is that when you get into government you forget, Monsieur Beaubien. The sad thing is that Mr Turnbull forgot the way he used to behave as an opposition member, because he's now in government and his job now, of course, is to speed things along efficiently as best you can. The sad thing is he forgot what he did then, which makes it very difficult for the opposition to do differently from the way they behaved at the time.

Mr Rae, our former Premier, recalls that he made some mistakes in opposition. He regretted the manner in which he behaved on a number of occasions. The sad thing is that we regret it when we get into government. Then we get into opposition and we do the same. Then they get into government and they do the same. It will be fascinating, should the Liberals be in government, to see some of these members, who could potentially become ministers, use—

Interjection: That's not where you're putting your money, is it?

Mr Marchese: No, that's not the point I'm making. Because some of the Liberals are new at it and they're haranguing you guys day in and day out—as we do, to be fair—they make it appear that should they get into government, they will solve all the problems. We know that many cannot be solved, but when they get into government, if they do, the opposition will get the quotes from Mr Agostino and so many others, and say, “But Dominic, you used to say this when you were in government. Now you appear to be doing the same. Why, Dominic?” The poor man hasn't been in government, is in opposition, and the cycle of government and opposition continues. That is why it's so difficult. Monsieur Beaubien, c'est très difficile, you know, to reform the system. It's sad. I've got to admit, I am saddened.

I do support the frank views from the member for Renfrew-Nipissing-Pembroke, who is urging change but doesn't envision any change. I think he's right. What we witnessed at the federal level just the other day—and yes, there are political reasons—where 50 Liberal members voted with the Alliance so they can nominate and select their own chairs of their committees is an incredible event. It is historical in nature.

Yes, it is dumb, because Martin is in competition with Chrétien and it's a sad, pitiful kind of display that one sees, but it doesn't matter. The point is, through that

bickering and division between Chrétien and Monsieur Martin, we're getting some reform. My suspicion is that if Martin gets elected as Prime Minister or appointed Prime Minister by his own members, he will not make any more changes, other than the one we just witnessed the other day, which is a very useful, parliamentary reform where committee members will actually get to choose their chairperson. It is true that the governing members will always have the majority to elect whom they want, but they would be a little more empowered not to listen to the Prime Minister or, in this case, should we be doing it here, to the Premier. It's a beautiful, liberating thing. This kind of reform is good for the system, but we're not capable of it.

I have to remind some of the Conservative members that after I was out of cabinet and went into some committee meetings, I recall saying to some of my staff, “I'm in agreement with some of what the opposition is saying” with respect to some bill that we were debating—

Interjection.

Mr Marchese: Not in your time; in my time. One of the staff couldn't believe that I said I wanted to support an amendment supported by the opposition parties because it seemed to me reasonable. He was in shock. He was in shock that I would propose it. You see, we are all trained that when you are in government, you support your minister and your government at all costs. It's wrong. We become automatons.

I've witnessed these members from the Conservative Party in all the committee meetings vote in tandem, vote en bloc each and every time. New Democrats did it, Conservatives do it, Liberals did it, and it's sad. It's a pitiful display of sheepish behaviour that doesn't become parliamentarians at all, but we repeat the problem over and over again.

1710

Yes, wouldn't it be nice to be able to say, “We support this bill,” the Safe Drinking Water Act, and speed it through as best as we can? It would be nice to be able to do that. But we are not accustomed, because of the history we share in this place, to facilitate the work of government. It is not our job to facilitate the work of government. Yes, we could, if we reformed ourselves in a way that where there's agreement things could speed up a little better, but sadly, it's just not possible. It is impossible and I'm afraid, like the member for Renfrew-Nipissing-Pembroke, that the job of reforming ourselves and our culture is, quite frankly, very complicated.

We could play this role. You see, I've got this letter here that our House leader, Peter Kormos, wrote to Stockwell:

“Further to this morning's House leaders' meeting, I have spoken to Ms Churley, NDP critic for the environment, about your proposed trade-off between quick passage for three government bills in exchange for committee hearings on Bill 175, An Act respecting the cost of water and waste water services, and the yet-to-be introduced clean water bill.

“Ms Churley and I agree that committee hearings on the two bills from your ministry should in no way be

compromised by other items on your House leader's agenda. You not only assured Ms Churley that extensive public hearings would occur, but indeed, you made the same commitment to the entire environmental community. Interested stakeholders are demanding to be heard, and we want to ensure that they get that opportunity.

"We are committed to participating in the full committee process on these important legislative matters, and would be pleased to work out a reasonable schedule for both public hearings and clause-by-clause consideration of the bills.

"We look forward to working out the committee schedule at the earliest possible opportunity," says our House leader to the House leader of the Conservative Party.

So here you have the problem: Chris Stockwell, the Minister of the Environment, stands up here today and says, "The NDP is just opposed to what we're doing." Yet we have a letter here that I just read and an understanding that Mr Stockwell, the Minister of the Environment, was not interested in discussing committee time until we agreed to quick passage of three government bills. Do you see the game? So when the Minister of the Environment stands up and appears to be so sincere that one is tempted to say, "Good God, we should be working with the man. He's trying his best to get this through. We're all in agreement. Why don't we work with him?" but as I read the letter—

Hon Tina R. Molinari (Associate Minister of Municipal Affairs and Housing): Why didn't you? You're right. You should.

Mr Marchese: But as I read the letter, Mlle Molinari, this letter I just read on the record said that Chris Stockwell had conditions attached to this discussion. He said that if we passed three other bills quickly, we then could deal with this other issue in a different way or more expeditiously or—

Hon Mrs Molinari: It sounds like a good plan.

Mr Marchese: But he didn't say that, you see. He bundled the discussion in a way that makes it very difficult for our party to agree. The point I'm making is that here we have the supposed sincerity of the Minister of the Environment making it appear to the public watching that he is trying desperately hard, in all sincerity, to get a three-party agreement to move this thing along, but one party disagrees, and what can he do when he's desperately trying to bring us together to pass this Safe Drinking Water Act that is so good, the best in the world, and why would anybody impede the process of speeding up this bill that is so good?

It is sad, I say to those of you watching this parliamentary channel, that the parliamentary process is complicated, if not diseased, not permitting us to work together from time to time on bills we can agree on. Dear listeners all, we are all responsible here. We are all at fault. We have all done it in government and out of government. I wish it were different and maybe some day you, the public, will demand it, and maybe some day we

might get a different kind of voting system that will make it impossible to have majority governments that will do what they want to do because they have a majority. Often we argue, and some say and defend, that minority governments are the best thing that could happen to any province, any country, because in a minority government you are very careful how you behave as a government, because you desperately rely on another political party for your survival, and therefore are cautious and more responsible and fair in your presentation of bills.

I think people need to address those issues, need to look at that. Majority governments often do not respond well to the majority of people in this province and in this country.

People should reflect on that as they come close to elections in terms of who they want to represent their constituency, whether or not they want majority governments or whether or not, as New Democrats propose, we move to a different kind of proportional representation system that guarantees that no vote is ever wasted, that no matter where you are and whoever you vote for, that vote will count. If we select a proportional representation system where we can agree that a portion of the seats is allotted on the basis of how much popular support a political party gets, then no vote is ever wasted. Your vote will count. More and more of you are likely to participate and get involved in elections and vote because that vote will matter. A proportional representation system will almost guarantee that we will not have majority governments, and that's something most of you could argue for and defend and urge your political parties to move to.

These are the kinds of suggestions I wanted to make on this suffocation motion. That's what closure motions are: the desire to end debate on any discussion before us. I'm happy to know this will go to committee hearings where a number of people will be able to have their say, to identify areas of weakness of the bill, hopefully where government will listen and improvements will be made.

Mr Gerry Martiniuk (Cambridge): I'm pleased to take part in the time allocation motion during the second reading debate on the proposed Safe Drinking Water Act, introduced on October 29, 2002, by the Honourable Chris Stockwell, Ontario's Minister of the Environment.

The development of this proposed bill was guided by 50 recommendations put forward by part two of the report of the Walkerton inquiry. In his report, Commissioner O'Connor envisioned that a Safe Drinking Water Act would gather in one place all the legislation and regulations relating to the treatment and distribution of drinking water.

To quote Commissioner O'Connor, recommendation 67 states, "The provincial government should enact a Safe Drinking Water Act to deal with matters related to the treatment and distribution of drinking water." The proposed Safe Drinking Water Act brings these recommendations together in one proposed bill.

My comments today will focus on those merits of the bill so far not covered by other members. Let me begin

with the purpose of the proposed Safe Drinking Water Act, which is twofold: (1) to recognize that the people of Ontario are entitled to expect their drinking water to be safe; (2) to provide for the protection of human health through the regulation of drinking water systems and drinking water testing.

Some of the standard provisions of the proposed Safe Drinking Water Act have been replicated or transferred from the Environmental Protection Act and the Ontario Water Resources Act. These provisions provide authority to establish standard appeals processes to deal with the new requirements around licensing and approvals, and authority to establish regulations and provide for fees.

But there are also a number of new provisions in the proposed act. Under the proposed act, the Minister of the Environment is required to submit an annual State of Ontario's Drinking Water report to the Legislature. It is the intent to include in this report the status of drinking water quality standards and the quality of the drinking water in Ontario; the quality of raw water supplies and a review of source protection initiatives; drinking water standards, including discussions of new and emerging information on the pathogens; the results—that is to say, the pass-failure rates—of inspections and accreditation audits; a summary of enforcement activities; and any other matter prescribed by regulation.

1720

Another new provision is a clear statement regarding the Ministry of the Environment's responsibility as the lead ministry for drinking water policy. The proposed Safe Drinking Water Act will also take precedence, meaning that the prescribed drinking water quality standards within the proposed act will apply to all other acts, regulations or bylaws.

Another important element of the proposed act is its emphasis on ensuring the public's access to information. The proposed Safe Drinking Water Act calls for an annual report to the Legislature, an annual report by the chief inspector, an annual report by the accreditation bodies, and public access to the contents of the operational plan and the results of laboratory audits and operating authority audits.

The Ministry of the Environment will continue to find ways to keep the public informed about water quality, including the use of electronic systems such as the ministry's Web site, which currently includes up-to-date information on adverse water quality on a site-by-site basis across Ontario.

An extension of the proposed act's focus on public information are its provisions for notifying the public if and when adverse drinking water test results occur. The proposed act requires an operating authority, an owner and a laboratory to immediately report all adverse test results for drinking water to the Ministry of the Environment and the medical officer of health. Where an adverse test result is reported and the local medical officer of health determines that there is a health risk, the officer is responsible for issuing a "boil water" advisory which notifies the public of the problem. Failure to notify

the public of an adverse test result is a serious offence under the proposed act and subject to heavy fines and jail terms.

If passed into law, the proposed Safe Drinking Water Act will set a benchmark and provide an even stronger foundation for safe drinking water. It is an integral part of this government's commitment to its clean water strategy.

Operation Clean Water is the most comprehensive strategy ever undertaken in Ontario to ensure that our drinking water is clean and safe. Launched in August 2000, it focuses province-wide efforts to improve water quality and delivery in Ontario. Over the next two years this government will invest more than half a billion dollars in clean, safe drinking water for the people of Ontario. This year alone, the government will provide \$245 million, including investments to help municipalities upgrade their water systems to meet our tough new standards and make improvements to their waste water systems.

And while there is still work to be done, this government continues to make significant progress on several other goals of its clean water strategy. For example, earlier this fall the government began consultations with key stakeholders on watershed-based planning issues. Other clean water commitments include conducting groundwater studies to support the development of source water plans. These are just two examples, both of which also fall under the government's Smart Growth umbrella.

Smart Growth is the government's overreaching vision for promoting and planning for growth that we're expecting over the next 20 and 30 years. It's a vision for creating a strong economy, building vibrant communities and promoting a healthy environment. It's as relevant to rural areas and remote communities as it is to urban centres.

The proposed bill is a reflection of the extensive consultation process that began last August when the Premier and Minister of the Environment announced the government's commitment to work with stakeholders to shape the development of a Safe Drinking Water Act.

As members are aware, there was a 30-day public posting of the proposed components of the bill on the Environmental Bill of Rights registry. In addition, this government has recently held several public consultation sessions in London, Ottawa and Thunder Bay. As well, ongoing meetings are continuing between Ministry of the Environment staff and key stakeholders. Some 78 comments were received in response to the posting on the Environmental Bill of Rights registry. Those comments were given careful consideration as the government finalized this bill.

As I mentioned in my opening remarks, by bringing together 50 of Commissioner O'Connor's part two recommendations into one proposed bill, we have adopted a holistic approach, an approach that recognizes that the whole is greater than the sum of the individual parts.

The proposed bill before you today is a bill with clarity and a bill with clout. Most important, it is a demonstration of this government's unwavering commitment to ensure that Ontario residents have the safest, cleanest drinking water in the world.

The momentum is strong, and we are moving forward to complete full implementation of Commissioner O'Connor's recommendations. I urge all members to support this proposed bill.

Hon Carl DeFaria (Minister of Citizenship, minister responsible for seniors): On a point of order, Mr Speaker: I ask this House to welcome a delegation from Azores, Portugal, led by Dr Victor Cruz, leader of the Social Democratic Party of the regional government of the Azores, and Mr Laurentino Esteves, an MP of the government of Portugal, plus members of the Casa dos Açores here in Toronto. I would ask the House to recognize their presence here.

The Deputy Speaker: That is not a point of order, but we welcome you to our Legislature.

Mr Levac: On the same point of order, Mr Speaker: I'm absolutely convinced that the members on the other side would accept Tony Ruprecht's greetings to the delegation as well. Thank you very much.

The Deputy Speaker: Thank you. Further debate?

Mr Ernie Parsons (Prince Edward-Hastings): Here we go again: another time allocation bill. I hesitate in some ways to mention it, because it seems to produce all kinds of interest and shouting on the other side, but I think if I sat on the government side I wouldn't want someone to talk about time allocation either.

If again—and I'm going to report daily—it almost is a daily event to give a report card, I would remind the members who are here and perhaps weren't here yesterday that during the Davis-Miller era, three out of 292 bills were passed using time allocation. During the David Peterson minority government, one out of 129 bills had time allocation. During the majority government of David Peterson, three out of 183 bills had time allocation. Under the Harris-Eves era, we have now hit 100 bills exactly out of 226. So it's an anniversary of some sort that roughly 100 times in the past seven years we've had democracy suspended in order to get the bill forward.

1730

Again, this is a bill that I think would have been an ideal one for more consultation with municipalities, but instead, time allocation provides an opportunity for the whiz kids in the backroom—the people whom nobody voted for but this is a great, interesting experiment for them—to have their way on getting a bill through. I fervently believe that all legislation should be drafted and done by individuals who have to knock on doors and be elected and be accountable to their citizens. Time allocation suspends the opportunity for the democracy to take place.

So we're now at exactly 100 time-allocated bills. No one on the government side of the House should be very proud of it.

Bill 195, the Safe Drinking Water Act, an act that took two years to come forward to address, quite frankly, the

horrible situation that arose at Walkerton—Justice O'Connor made a number of key recommendations, some of which are included in this bill, some of which are not. I would note that he made it very clear. Judge O'Connor states, "Protecting our drinking water sources must be a key part of the system for ensuring the safety of Ontario's drinking water." Protection for water sources in here doesn't exist, and yet it's a significant issue. It does not make sense to me to have to put together a system to extract metals or to extract chemicals from a water system if we could have prevented them going into the ground. There is lots and lots of that happening.

The member for Sarnia shared with this Legislature earlier today the issue of the hazardous waste that's going into Sarnia. Now, the waste going into Sarnia is not a Sarnia issue. It is an Ontario issue and perhaps even a North American issue. That pollution that goes into that groundwater, particularly near a large body of water—when we allow the pollution to go into the ground, we don't know exactly where it will show up or exactly even what's going in, unfortunately. Our environmental laws have become a disgrace in Ontario.

We had a similar situation with the Richmond landfill site in my community, the Greater Napanee area but coming into Hastings county, where this government is trying to expedite getting the garbage into the ground. I sense, at times, that the government is a voice for industry rather than a voice for the people. There is something fundamentally wrong when a large company can come forward and say, "We want to bury hundreds of thousands of tonnes of garbage a year in this site," and the onus seems to be on the community that will be affected to prove it wrong. The company has all kinds of money to put forward their case and to hire all kinds of experts. The people who drink the water in the vicinity of that dump—and that dump, by the way, is near Lake Ontario. The vicinity of the dump is everything downstream through Ontario, Quebec and the Maritimes. Whatever goes into the St Lawrence River profoundly affects it. But if it goes into the ground in Tyendinaga township or in the Mohawk-Bay of Quinte reserve or in Deseronto or in Napanee, it can't be removed easily. For people on well systems, there is no easy solution to doing it.

Here we have the people who are concerned about their drinking water and their children's and their grandchildren's drinking water, and they have to have yard sales and fundraisers to try to mount a defence and try to hire some experts to testify against a multi-million dollar company. The government has that responsibility. The government has the responsibility to diminish the amount of garbage going into the groundwater.

The recycling program in Ontario is not well supported by this provincial government; it was at one time, but it is not now. It is perceived by some people as cheaper to simply take the garbage and bury it. But that buried garbage is a ticking time bomb, and it is cheaper to not have to deal with it later. Deal with it now. In fact, I will point to Walkerton, where in order for the Ministry

of Environment to save money, they cut water inspection, they cut people, they cut the tests. We see the damage that has been done to Walkerton purely from a property viewpoint is about \$65 million. That doesn't count the tragedy of the deaths and the 2,000 people who now have permanent medical problems, but is strictly in terms of dollars: \$65 million in devalued property, bringing in bottled water etc. It has been said by many that this government knows the cost of everything but the value of nothing. We have to protect groundwater at source.

There is also an argument made in this bill that all the direct water costs should go right to the individual user. There are economies of scale that come into that theory. When you've got a large urban area, there isn't a big difference in the cost whether you're going to serve 200,000 people or 400,000 people. You're going to have the same testing at the labs, and you're going to have the same number of people working in the plant that's doing the treatment and so forth. But in my community, which is typical of communities all over Ontario, we have hamlets and little villages and towns like Ameliasburg, Bayside, Wellington and Batawa, where there are maybe only 30 or 35 homes on a system. If they have to pay full cost, the system will not be able to operate. What will happen in those communities?

We don't make the user pay everything directly for hospitals, thank goodness, although I hesitate to mention it because the government will say, "Maybe that's the way we're moving." We have a universal health care system that we value. We had a universal electricity system, but things have severely deteriorated on that in the last few months.

There used to be an expression, "The lights are on but nobody's home." The expression now is, "The lights are off but somebody's home." People are turning off their lights and living in the dark because, as I'm sure the member for Brant will concur, they can't afford to turn the lights on. So the joke has become the reality in Ontario. We don't have universal electricity as we used to. Clean air: we don't require everyone to pay to clean up pollution.

If we've got a little hamlet like Ameliasburg and we've allowed a company 200 miles away to put garbage into a dump that got into the groundwater and filtered through—and this isn't the case with Ameliasburg—I don't believe it's fair that the residents in that little hamlet would have to pay to clean up water that the provincial government allowed to be polluted in a distant spot. We're all in this together. We're not a divided Ontario, from the viewpoint of Dalton McGuinty and the Liberal Party. We're all equal citizens in this together, and we will look after each other.

We also face the reality that not everyone in Ontario has an expense account and there are people who are struggling. I've mentioned in the past people on the Ontario disability support program who at the very peak receive about \$11,600 a year, \$7,000 below the poverty level. Is water going to become a luxury for them? That's unfathomable in this province. We need to realize and remember that we have a responsibility as a province to

ensure that all our citizens have access to affordable, clean water.

Privatization is put forward as the solution to every problem. History over the last year or two has shown that's clearly not the solution to everything. Perhaps there's a role for privatization in these water plants, but ultimately I believe strongly, and the Ontario Liberals believe, that the municipality has to have the ultimate responsibility for it. As we're learning, if the municipality has the responsibility and the ratepayer has a concern, they can contact their councillor, their reeve, their mayor or someone involved in the operation of it and there's accountability for it from that municipal council.

No municipal council, school board or elected body likes to put up taxes. They do like to provide clean water, but they don't like to put up taxes. They know there will be questions and concerns to them if they increase taxes. On the other hand, when you have a private company owning, operating and totally responsible for a water system, their only accountability is to their shareholders. They have no concern about what the general public thinks or wants. If we want to think about what it would be like to have a private company owning and operating the water system, I would suggest that you think about what it would be like to have Enron operating our public water system in Ontario. We're going to see artificially created shortages; we're going to see shortcuts. The answer is, water is such a fundamental human need and right that we need to maintain the responsibility through municipal government.

1740

There's also the other interesting aspect of privatization: if a private company owns a water system and all of the works associated with it, is there anything to prevent them from taking and selling the water out of country, out of province? Absolutely nothing. It will be the anything-for-a-buck water company. And there is a day coming when I believe that water will be more valuable than gasoline in our society.

Mr Levac: It already is.

Mr Parsons: It already is; that's right. Much as I don't like paying 70-some cents a litre for gasoline—and I'm not convinced it's worth 70 cents a litre—I do notice in the corner stores where a litre of water is \$1.49. So water is more valuable, and as much as I'd hate to get along without gasoline, I could do it, but I can't get along without water. This is a fundamental resource that the Ontario Liberals do not believe should be totally in the control of a private company—and there's no assurance that it would be an Ontario company, or even a Canadian company.

We would like to see in this bill—I know we have time allocation, and I know they're not interested in really making any changes to it—but we strongly, strongly believe that public water has to remain in public hands. This bill doesn't do it.

It's interesting that in the draft the government left the responsibility for the water with the municipality. When the draft went around the province, and everyone said,

"You know, they're on the right track; this is a good thing. At least we're going to know that we maintained public control," but when the bill came to the Legislature, that was yanked out of it, gone, in this "private industry always does things better." We simply don't have the track record, whether it be WorldCom, Enron or any number of companies, to say that private industry necessarily does it better, whether it's health care, highways—again, Highway 407 that we sold off is now a joke, for the cost to drive it. It's very good for some private—

Mr Levac: Big profits.

Mr Parsons: Big profits for people in other provinces and in other countries, while the Ontario taxpayer is being ripped off.

If you sell the waterworks of a municipality, a private company can pay any price they want. They can pay four, five or 10 times what it's worth because they can simply recoup the money by putting on exorbitant prices for the water. And are you going to have a choice if you want that water to come out your tap or not? No. We're watching now, with electricity, where the companies are moving very, very quickly to cut off people's electricity; they're not giving them any latitude or discussion.

The part in here dealing with the Safe Drinking Water Act that they have included is, by and large, commendable. I wish I could support it, but I and the Ontario Liberals will not support time allocation that stifles the voice of the people in our community, the experts that are out on the streets.

Mr John Gerretsen (Kingston and the Islands): You're an expert, Ernie; you're an engineer.

Mr Parsons: I'm an individual who believes in democracy, and when democracy is being removed, as is being done regularly—maybe democracy isn't efficient. Probably the cheapest form of government is dictatorship—

Mr Levac: Benevolent dictatorship.

Mr Parsons: Benevolent dictatorship. That's not what we have, though. A dictatorship is fundamentally wrong. We need democracy.

The Deputy Speaker: Further debate?

Mr Tony Martin (Sault Ste Marie): I want to say to the members in the chamber here this afternoon, to the folks out there and members across the way that they want to be wary when they listen to the House leader and Minister of the Environment when he gets up in this place and says to them, "It's really very simple. All we have to do is pass this bill. Don't get in the way; let's make it happen. All of a sudden all the water across Ontario is going to be protected and we'll all be all right and we won't have to worry any more."

I remind everybody that this is the government that brought you Walkerton in the first place. This is the government that's delivering to you, as we speak here in this place, the hydro debacle. So when they get up on their high horse in this place and complain and criticize the opposition for simply doing their job, I would say to people, think twice about that, because it's never as simple as they would present it.

The first question, and probably the most important question, that the people of Ontario have to put to this government for the protection and provision of clean water is why we got ourselves into this mess in the first place, how we find ourselves here today having to deal with this kind of legislation.

If you remember back, it wasn't long into their mandate when the government of Ontario in 1995 began to cut services, began to cut personnel in government, because they didn't think government was necessary to protect the kinds of very vital resources we all depend on, such as water. We in Canada and Ontario took it for granted that our water would always be safe, that we could just walk into the kitchen and turn on the tap, put a glass under it, fill it up and have a drink and that it would be fine. In fact, we probably had grounds upon which to be thinking that, given the resources that were put in time after time by government after government at provincial and federal levels to make sure the water we had to drink, from the source to the plants that purified that water to the delivery of that water to our houses, was in fact the best that was possible given the technology of the day at that particular point in time.

Alas, in 1995 all that began to fall apart. The resources just weren't there any more. The government of the day decided that government had no business being involved in that business, that if they simply turned more of it over to the private sector and got rid of a lot of problematic bureaucrats who simply drove around in their trucks wasting gas and public money, we would all be better protected.

To suggest for a second that now, after Walkerton and after the downsizing we've seen in government services and the debacle we're experiencing under hydro, we somehow pass this bill today and tomorrow we're all safe again in fact belies the truth.

This government is sorely short of resources. The big question that communities are beginning to ask out there as they look at what's being presented to them by way of what they need to do to protect the water their citizens drink is, who's going to pay for it? I would suggest the government needs to be talking about that, needs to be clear and upfront about exactly who's going to be expected to pay for all of the infrastructure and the oversight that's going to be necessary so that all of us here in this place who support legislation to protect the water, clean drinking water, in this province—so that in fact it is indeed going to happen. The big question everybody out there needs to be asking this government is, where is the money and, ultimately, who's going to pay?

The Deputy Speaker: Mr Stockwell has moved government notice of motion number 61. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1749 to 1759.

The Deputy Speaker: Please let me interrupt your conversations.

All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted
Baird, John R.
Barrett, Toby
Beaubien, Marcel
Chudleigh, Ted
Clark, Brad
Clement, Tony
Coburn, Brian
DeFaria, Carl
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda
Galt, Doug
Gilchrist, Steve
Gill, Raminder
Guzzo, Garry J.

Hardeman, Ernie
Hastings, John
Hudak, Tim
Jackson, Cameron
Johns, Helen
Kells, Morley
Klees, Frank
Marland, Margaret
Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank
McDonald, AL
Miller, Norm
Molinari, Tina R.
Munro, Julia
Murdoch, Bill

Mushinski, Marilyn
Newman, Dan
O'Toole, John
Ouellette, Jerry J.
Spina, Joseph
Sterling, Norman W.
Stockwell, Chris
Tascona, Joseph N.
Tsubouchi, David H.
Turnbull, David
Wettlaufer, Wayne
Wilson, Jim
Witmer, Elizabeth
Wood, Bob

Nays

Bartolucci, Rick
Bisson, Gilles
Bountrogianni, Marie
Bradley, James J.
Brown, Michael A.
Caplan, David
Churley, Marilyn
Cleary, John C.
Conway, Sean G.
Cordiano, Joseph
Crozier, Bruce

Dombrowsky, Leona
Duncan, Dwight
Gerretsen, John
Gravelle, Michael
Hampton, Howard
Kennedy, Gerard
Kormos, Peter
Kwinter, Monte
Lalonde, Jean-Marc
Levac, David
Marchese, Rosario

Martel, Shelley
Martin, Tony
McMeekin, Ted
Parsons, Ernie
Peters, Steve
Phillips, Gerry
Prue, Michael
Ramsay, David
Ruprecht, Tony
Sergio, Mario
Smitherman, George

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 46; the nays are 33.

The Deputy Speaker: I declare the motion carried.

It being after 6 o'clock, this House stands adjourned until 6:45 this evening.

The House adjourned at 1801.

Evening meeting reported in volume B.

The Deputy Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

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Gerard Kennedy, Frank Mazzilli, Norm Miller,
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Règlements et projets de loi d'intérêt privé**

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Raminder Gill, Pat Hoy, Morley Kells, Rosario Marchese, Ted
McMeekin, Bill Murdoch, Wayne Wettlaufer
Clerk / Greffier: Katch Koch

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Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Wednesday 6 November 2002

Mercredi 6 novembre 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 6 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 6 novembre 2002

The House met at 1845.

ORDERS OF THE DAY

VICTIM EMPOWERMENT ACT, 2002

LOI DE 2002 SUR L'HABILITATION DES VICTIMES

Mr Stockwell, on behalf of Mr Runciman, moved third reading of the following bill:

Bill 60, An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act / Projet de loi 60, Loi visant à accroître le rôle des victimes aux audiences de libération conditionnelle et à responsabiliser les délinquants à l'égard de leurs actes, prévoyant des normes relatives à la toilette des détenus et apportant d'autres modifications à la Loi sur le ministère des Services correctionnels.

The Acting Speaker (Mr Michael A. Brown): Pursuant to the order of the House dated October 15, 2002, I am now required to put the question. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

I have received a letter from the chief government whip asking that this vote be deferred until November 7 during deferred votes.

EMERGENCY READINESS ACT, 2002

LOI DE 2002 SUR L'ÉTAT DE PRÉPARATION AUX SITUATIONS D'URGENCE

Mr Stockwell, on behalf of Mr Runciman, moved third reading of the following bill:

Bill 148, An Act to provide for declarations of death in certain circumstances and to amend the Emergency Plans Act / Projet de loi 148, Loi prévoyant la déclaration de décès dans certaines circonstances et modifiant la Loi sur les mesures d'urgence.

The Acting Speaker (Mr Michael A. Brown): Pursuant to the order of the House dated November 5, 2002, I am now required to put the question. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

I have received a letter from the chief government whip asking that this vote be deferred until deferred votes on November 7.

TORONTO WATERFRONT REVITALIZATION CORPORATION ACT, 2002

LOI DE 2002 SUR LA SOCIÉTÉ DE REVITALISATION

DU SECTEUR RIVERAIN DE TORONTO

Resuming the debate adjourned on October 1, 2002, on the motion for second reading of Bill 151, An Act respecting the Toronto Waterfront Revitalization Corporation / Projet de loi 151, Loi concernant la Société de revitalisation du secteur riverain de Toronto.

The Acting Speaker (Mr Michael A. Brown): Pursuant to the order of the House dated October 16, 2002, I am now required to put the question. On September 25, Mrs Ecker moved second reading of Bill 151. Is it the pleasure of the House that the motion carry? Carried.

Pursuant to the order of the House dated October 16, 2002, the bill is ordered referred to the standing committee on finance and economic affairs.

GOVERNMENT EFFICIENCY ACT, 2002

LOI DE 2002 SUR L'EFFICIENCE DU GOUVERNEMENT

Resuming the debate adjourned on October 23, 2002, on the motion for second reading of Bill 179, An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts and by enacting one new Act / Projet de loi 179, Loi visant à favoriser l'efficacité du gouvernement et à améliorer les services aux contribuables en modifiant ou en abrogeant certaines lois et en édictant une nouvelle loi.

The Acting Speaker (Mr Michael A. Brown): Pursuant to the order of the House dated October 28, 2002, I am now required to put the question. On October 16, Mr Turnbull moved second reading of Bill 179. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

I have received a letter from the chief government whip deferring this vote until tomorrow, November 7, 2002, during deferred votes.

Mr John Gerretsen (Kingston and the Islands): On a point of order, Mr Speaker: Could you explain to the people who may be watching why the government House leader calls for the resumption of the debate every time, then doesn't allow any debate to take place? Shame on you, stifling democracy.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I have no control over the debate; the Speaker does.

LEGAL AID SERVICES AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI SUR LES SERVICES D'AIDE JURIDIQUE

Resuming the debate adjourned on October 17, 2002, on the motion for second reading of Bill 181, An Act to amend the Legal Aid Services Act, 1998 / Projet de loi 181, Loi modifiant la Loi de 1998 sur les services d'aide juridique.

The Acting Speaker (Mr Michael A. Brown): Pursuant to the order of the House dated October 21, 2002, I am now required to put the question. On October 10, Mr Young moved second reading of Bill 181. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members.

I have received a letter from the chief government whip asking that this vote be deferred until November 7, 2002.

SUSTAINABLE WATER AND SEWAGE SYSTEMS ACT, 2002

LOI DE 2002 SUR LA DURABILITÉ DES RÉSEAUX D'EAU ET D'ÉGOUTS

Resuming the debate adjourned on October 7, 2002, on the motion for second reading of Bill 175, An Act respecting the cost of water and waste water services / Projet de loi 175, Loi concernant le coût des services d'approvisionnement en eau et des services relatifs aux eaux usées.

The Acting Speaker (Mr Michael A. Brown): Pursuant to the order of the House dated November 4, 2002, I am now required to put the question. On October 2, Mr Stockwell moved second reading of Bill 175. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

I have received a letter from the chief government whip asking that this vote be deferred until November 7, 2002.

RED LIGHT CAMERAS PILOT PROJECTS EXTENSION ACT, 2002

LOI DE 2002 SUR LA PROROGATION DES PROJETS PILOTES AYANT TRAIT AUX DISPOSITIFS PHOTOGRAPHIQUES RELIÉS AUX FEUX ROUGES

Resuming the debate adjourned on October 10, 2002, on the motion for second reading of Bill 149, An Act to extend the red light cameras pilot projects to November 20, 2004 or for an indefinite period / Projet de loi 149, Loi visant à proroger jusqu'au 20 novembre 2004 ou indéfiniment les projets pilotes ayant trait aux dispositifs photographiques reliés aux feux rouges.

The Acting Speaker (Mr Michael A. Brown): Pursuant to the order of the House dated October 29, 2002, I am now required to put the question. On October 8, Mr Clement moved second reading of Bill 149. Is it the pleasure of the House that the motion carry? Carried.

Pursuant to the order of the House dated October 29, 2002, the bill is ordered for third reading.

INTERJURISDICTIONAL SUPPORT ORDERS ACT, 2002

LOI DE 2002 SUR LES ORDONNANCES ALIMENTAIRES D'EXÉCUTION RÉCIPROQUE

Resuming the debate adjourned on September 26, 2002, on the motion for second reading of Bill 131, An Act to facilitate the making, recognition and variation of interjurisdictional support orders / Projet de loi 131, Loi visant à faciliter le prononcé, la reconnaissance et la modification des ordonnances alimentaires d'exécution réciproque.

The Acting Speaker (Mr Michael A. Brown): Pursuant to the order of the House dated September 30, 2002, I am now required to put the question. On September 23, Mr Young moved second reading of Bill 131. Is it the pleasure of the House that the motion carry? Carried.

Pursuant to the order of the House dated September 30, 2002, the bill is ordered for third reading.

AGRICULTURAL EMPLOYEES PROTECTION ACT, 2002

LOI DE 2002 SUR LA PROTECTION DES EMPLOYÉS AGRICOLES

Resuming the debate adjourned on October 29, 2002, on the motion for second reading of Bill 187, An Act to protect the rights of agricultural employees / Projet de loi

187, Loi visant à protéger les droits des employés agricoles.

The Acting Speaker (Mr Michael A. Brown): Pursuant to the order of the House dated October 30, 2002, I am now required to put the question.

On October 22, Mrs Johns moved second reading of Bill 187. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

I have received a letter from the chief government whip asking that this vote be deferred until November 7, 2002.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Let's adjourn the House.

The Acting Speaker: Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

This House stands adjourned until 10 of the clock tomorrow morning.

The House adjourned at 1854.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

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Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
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Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
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		York West / -Ouest	Sergio, Mario (L)

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Thursday 7 November 2002

Jeudi 7 novembre 2002



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 7 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 7 novembre 2002

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

LONG-TERM CARE

Mrs Lyn McLeod (Thunder Bay-Atikokan): I present the resolution that, in the opinion of this House, the Ernie Eves government should immediately establish minimum standards of care for nursing homes and homes for the aged, including the reintroduction of minimum hours of nursing care and the requirement for a minimum of at least one bath a week.

The Acting Speaker (Mr Michael A. Brown): The member has up to 10 minutes to make her presentation.

Mrs McLeod: This is, in all likelihood, the last opportunity I will have to bring forward private member's business to this House. I've chosen to use the opportunity to present this particular resolution because of a growing personal sense of outrage I have at the Harris-Eves government's, in my view, deliberate abandonment of our most vulnerable seniors. I know that in the course of the morning's debate we will hear members of the government say, "This government has made the largest investment in long-term care of any government in history," so I want to put that argument into the context of fact.

The fact is that this government's investment in long-term care is almost entirely to bring in new long-term-care beds. That's fine, but we have to understand that that investment in long-term-care beds was because one of the first actions of this same government was to engage in the shutting down of thousands—thousands—of acute care beds and to shut down fully 40% of the chronic care beds in this province. They wanted to put the chronic care patients into long-term-care beds, and they wanted to do that to save money, because in chronic care you get over \$200 a day to care for patients, while in long-term care it's more like \$100 a day.

This government seems to keep getting caught by surprise. To their surprise, they discovered there wasn't room in the long-term-care facilities for all these chronic care patients who were about to be displaced. There were waiting lists across the province; there were 18,000 people on waiting lists for long-term care. So this government did indeed belatedly recognize that they had to build some new beds. Six years later, some of those

new beds are coming on-stream. We still have waiting lists for long-term care, we still have patients sitting in acute care beds, and we still have people being discharged from hospital without adequate home care.

In the meantime, when our long-term-care facilities did have a vacancy, they were taking patients with higher and higher levels of need for care. But this government did not transfer the chronic care dollars to the long-term-care facilities, so those long-term-care facilities or nursing homes or homes for the aged are caring for these much needier individuals with very minimal dollars. Very little of the new money this government will say it has invested in long-term care has gone to actually improve the care for people in our homes for the aged and nursing homes.

Along with the New Democratic Party, about two years ago, I think, we had a series of hearings across the province on long-term care. We heard story after story from anguished family members who came forward to tell us of their concerns about the lack of quality of life, in fact their fears for the very safety of their loved ones in our nursing homes and our homes for the aged. At one point—it was in Thunder Bay, my home riding—somebody who works in a nursing home, a staff person, came forward at the end of the hearings. She was in tears. She said, "I know how concerned you are. I know we're not doing what we should be able to do to provide care, but you've got to understand how few resources we have to work with."

The staff of our nursing homes and homes for the aged are as distressed as the families of the residents in those homes and as concerned not only for the safety of those residents but indeed for their own safety, as overworked, exhausted, stressed staff try to provide care for these very high need individuals.

The government's response to this was to cut the minimum number of hours of nursing care. There was a regulation that set a minimum; it said every individual should have 2.25 hours of nursing care. This government responded to the concerns for care by cutting out the minimums, because how else could they begin to meet the needs of these individuals with the dollars they were giving? They couldn't be held to account for the enforcement of the regulation and not have to put more money into it. Now we are last in this country—last in this country—in the numbers of hours of nursing care that individuals in nursing homes and homes for the aged receive. In fact, as I understand the independent study that was done, we are probably last in comparison to the United States and in comparison to European countries in

the numbers of hours of nursing care that we provide our residents. We are last in our support for people with behavioural problems, last in our support for people who require rehabilitation.

When the people in the long-term-care facilities were driven to the point of desperation last spring and ran a very strong campaign to make us all aware of the needs in those homes, what was this government's next response? If you'll recall, in that campaign one of the issues was that residents get a minimum of one bath per week, and the minister, quite rightly, responded, "That's what's in the regulations. It's a minimum. That's what's required." But it became a flashpoint, so this government's response was to remove that regulation and to replace it with a regulation that simply says they have to give sufficient care to maintain personal hygiene.

The minister says, "We don't want numerical standards, because if you have a numerical standard, a minimum becomes a maximum." A minimum only becomes a maximum if the funding body, the government, only funds to the level of minimum care. If they provide more dollars, more care can be given; you don't get held to the minimums. But at least you need some basics, some basics for which this government can be held accountable.

The other way that you get minimums becoming maximums is if you ration care and set the maximums, which is what this government has done with home care, but that again is another story.

The minister says, "We want to give people the flexibility to meet the patients' needs. That's why we don't want numerical figures." You only have flexibility if you have enough money to meet the needs. The minister says, "We want to move to outcome measurement instead of numerical standards." How do you measure outcomes for quality of life of people in nursing homes and homes for the aged? You can't look at mortality rates; that's not an applicable figure for this particular population. So do you look at whether or not people are developing bedsores? Do you look at the outbreak of influenza? As an outcome, how would you look at the effect on an individual of the number of hours that somebody sits waiting to have somebody come and feed them? How do you measure the outcome on quality of life of the number of hours that somebody in a nursing home or home for the aged spends in isolation and in silence?

I've two stories that I want to tell in my last three minutes. One is the story of my mother; I've told it in this House before. My mother spent the last three months of her life in a home for the aged, and because it was a municipal home for the aged in my home riding of Thunder Bay it benefits from a 20% top-up; they have a little extra money. This home used that money to provide an occupational therapist for the Alzheimer's unit. That occupational therapist made the last three months of my mother's life the best quality of life that she had had for the last two years, because they found ways in which she could respond.

1010

I believe that there should be minimum standards for bathing and there should be minimum standards of nursing care and we should go beyond those. I believe that we should have a standard that says there should be rehabilitation, there should be occupational therapists and that our seniors deserve no less than what will contribute to their quality of life.

My second story is one that is not as happy. It's the story of my mother-in-law. You have to know that my mother-in-law was a brilliant woman who got a university degree and a scholarship to go to the Sorbonne back in the 1920s when women weren't doing that. She devoted her life as a minister's wife to charitable work in our community. She remained feisty, bright and independent until she succumbed to Alzheimer's disease at the age of 82. My mother-in-law also spent the last months of her life in a nursing home. It didn't happen to have the 20% top-up, it didn't have an occupational therapist, it didn't have enough staff to actually feed the residents of that nursing home—at least, not unless they waited for a long time—and it certainly didn't have the staff to take them for walks or to talk to them. They did their best. The staff in that nursing home did their best. But the best they could do was to try to keep people safe and, indeed, to keep their diapers changed, because that's what maintaining personal hygiene really means in those settings.

I don't think it was enough for my mother-in-law, a person who gave and gave and gave. I don't think it was enough to say that her needs were being met because her personal hygiene was being looked after. I think if my mother-in-law had not been a victim of Alzheimer's and was in that nursing home seeing what was happening to the people around her—I don't think, I know that my mother-in-law would have been outraged, because it was that kind of outrage that she brought to injustice throughout her life. She deserved more. She would have believed that the people who shared that residence with her deserved more. She would have anguished for the staff trying to provide care.

I brought this resolution forward today because I wanted to express in this House what would have been my mother-in-law's outrage in this last opportunity I have to bring forward private member's business. I ask this government to finally take action in concern.

Ms Shelley Martel (Nickel Belt): It's a pleasure for me to participate in the debate this morning. I'll be supporting the resolution and, at the end of my remarks, will be making some suggestions about how it might have been strengthened, because I believe it could have been.

Let me begin by saying that it is a tragedy—a tragedy—that this government cares so little for the frail and elderly in Ontario long-term-care facilities that they can't even protect them by having in place minimum standards for nursing care and minimum standards for bathing. That is a fact. The government cares so little—so little—for the frail and the elderly in Ontario long-term-care facilities that they have done away with mini-

imum standards for nursing care and minimum standards for bathing.

You see, before this government was elected, under our government there was a minimum standard for nursing care. It was 2.25 hours of hands-on care per resident per day. One of the first things that Jim Wilson, who was then the Minister of Health, did was to do away with that minimum standard. I don't think residents asked for that minimum standard to be abandoned. I don't think families of residents in long-term-care facilities asked for that. I know the unions that represent people who work in nursing homes, like ONA, SEIU and CUPE, certainly didn't ask for the minimum standards to be done away with. I suspect that some of those for-profit long-term-care operators, especially the big corporations, had the government's ear on this one. They didn't want to be bound by any standards, because if they were not bound, maybe they could have less staff and more profit. That's what happened, and it is a shame that the government listened to that lobby instead of protecting families and the residents themselves who are in those facilities.

The real question is, has that lack of a standard had a negative impact on the care of the frail and the elderly? And the answer is, you bet it has—absolutely—and this government has the proof. You see, this government funded a study done by PricewaterhouseCoopers that was released in January 2001, and in that particular study PricewaterhouseCoopers compared the needs and the services provided to long-term-care residents in Ontario facilities to the needs and the services provided to residents in more than seven other jurisdictions: Manitoba, Saskatchewan, Maine, Michigan, Mississippi, South Dakota, Sweden, Finland and the Netherlands. The results of that work done by PricewaterhouseCoopers, independent of this government, independent of my political party, were shocking.

They discovered, for example, that residents in Ontario long-term-care facilities received less nursing and therapy services than similar jurisdictions with similar populations. Furthermore, Ontario long-term-care residents have some significant differences in terms of their level of depression, cognitive levels and behavioural problems, which indicates a higher need for service levels to meet higher care requirements.

The second shocking thing found was that the proportion of care provided by registered nurses in Ontario is less than in all other jurisdictions. In Ontario, registered nurses are now providing 2.04 hours of care per resident per day. That is less than the minimum standard that was in place. That shows you what happens when you abandon minimum standards. Then some of these homes worked to even lower common denominators.

What they also found was that, in terms of rehabilitation services, only 10% of residents who have the potential for rehabilitation actually receive that rehabilitation. Or with respect to behavioural therapy, despite the fact that 61% of the residents in Ontario long-term-care facilities present with behavioural issues—the highest of all the populations—they receive among the lowest levels

of therapy: only slightly more than 10 minutes per person per day.

Is the question, then, do they receive less care because Ontario residents in long-term-care facilities have better health than the health of the other populations that were studied in other jurisdictions? The answer there is again no, because the rates of depression in Ontario long-term-care facilities were higher than anywhere else except in the Netherlands; Ontario had higher levels of residents having suffered strokes than Saskatchewan and Manitoba; Ontario had among the highest levels of residents with dementia and Alzheimer's disease. In fact, the authors of the study made this particular point with respect to those residents in their care. They said:

"The ... authors note that this finding has 'significant implications for the care and treatment of these individuals' for several reasons. Clearly ... in order to offer adequate care for people with dementias, there must be sufficient numbers of staff. And, in order to ensure safe, appropriate and quality care, staff must be specially trained so they will have the necessary expertise required to meet the needs of these residents. Failure to ensure these fundamentals may inevitably result in a diminished quality of life for residents, excessive acute care hospital" stays "and increased strain on staff in long-term-care facilities."

Why do I make this point? I make the point because this report, paid for by this government, released in the beginning of 2001, clearly shows that the absence of minimum standards of care does have a negative impact on the frail and the elderly living in Ontario long-term-care facilities. It impacts on their health directly. They are at the bottom—the bottom—of the heap in terms of receiving nursing care, rehabilitation etc., and it is wrong—absolutely wrong—that in the province of Ontario our residents in long-term-care facilities should be such a low priority for this government that they are at the bottom in terms of the care they receive in comparison to so many other jurisdictions. This government should be embarrassed about that fact and this government should be doing something about it, but they are not.

You would have thought that the government would have learned something from the PricewaterhouseCoopers report, learned that you need a minimum standard at the outset to at least ensure adequate care. What did this government do instead? On July 31 of this year, this government then did away with the minimum standard of bathing in the province of Ontario. That fact came to light quite by accident at the estimates committee when we dealt with the Ministry of Health on September 10. I was asking questions to the minister with respect to a number of the changes the government had announced on July 31 with respect to their 15% fee increase for residents in long-term-care facilities. One of the things the government had promised in that press release of July 31 was to "amend Ontario's bathing regulation to better meet ... individual needs."

So I asked the minister if the regulation had been passed. He said yes. I said, "Does that now mean three or

four baths a week?" and Mr Clement said the following: "It was decided that that would create more problems than it would solve in terms of minimum standards, so we've actually thrown it back to the sector." Well, they sure have. They've abandoned completely the minimum requirement for bathing and left it to the sector to decide if and when a resident might actually get a bath.

It's interesting if you look at the old regulation, because the old regulation said the following: "The nursing staff shall ensure that residents who are confined to bed or who are incontinent have a complete bath daily or more frequently where necessary to maintain cleanliness and that ambulant residents have a complete bath at least once a week...."

"The nursing staff shall ensure that proper and sufficient care of each resident's body is provided to safeguard the resident's health and to maintain personal hygiene."

The government did away with that minimum standard, even though that standard was inadequate, and replaced it with the following:

"The nursing staff shall ensure that proper and sufficient care of each resident's body is provided daily to safeguard the resident's health and to maintain personal hygiene." The word "bath" doesn't even come into the equation. The outcome of this is really clear. When you did away with the minimum standards for nursing care, quality of care for residents went down. That was shown in PricewaterhouseCoopers, and there is no doubt that quality is going to further deteriorate because this government has now done away with the bathing standard.

1020

I want to read a letter that was sent to me by a resident in St Thomas about this serious issue, because she really makes the important point. It was sent to the Honourable Dan Newman and reads as follows:

"I was astounded to read that prior to August 1, the Nursing Homes Act mandated a minimum of one daily bath for bedridden or incontinent residents. My husband is incontinent but only receives one bath a week which is insufficient, unsanitary, disgusting and obviously a violation of the old Nursing Homes Act." And it is, because he was supposed to receive a bath a day. "I have demanded improvements numerous times, repeatedly requesting a minimum of one additional bath per week, but to no avail. The typical response from management is that they'll do what they can when time permits, but they're understaffed and have lots of other things to do etc...."

"Now we're faced with new regulations that don't even assure my husband of one bath a week. If you think"—and this is to Minister Newman—"as you are quoted as saying, that: 'Obviously, if someone needs a bath every day, they're going to get it,' then you are sadly misinformed about the state of care in these facilities."

"The old regulations were scrapped because your ministry didn't want LTC facilities taking the 'one bath a

week' standard as a maximum. Well, I assure you that even those lax standards are not being adhered to today, and the new standards will do absolutely nothing to improve the situation. Instead they will result in even fewer baths as they will allow individuals to interpret the regulations however they choose."

She is absolutely right—absolutely right—that this will mean even worse care in terms of bathing for residents in long-term-care facilities.

The other sad reality is that despite the announcement the government made on July 31 that they were going to put \$100 million into nursing homes to improve the quality of care as some form of compensation for a 15% fee hike for these same residents, that money is not going to hire new nurses and new personal care aides.

I want to just quote the minister's letter to residents to put this into context. This went out July 31, and he said, "This investment will add an additional 2,400 nurses and personal care workers to the long-term-care sector, or approximately 3.9 nursing and personal care staff for each 100-bed facility."

Do you know what? On October 16, we raised the case of three for-profit nursing homes in Durham to find out how that money that was supposed to be spent on nurses and personal care aides had in fact been spent. Here's what happened. In one of those homes, a telephone receptionist was hired. In another of the for-profit homes, a part-time social worker and two part-time personal care aides were hired on contract till the end of this December. In the third for-profit home, there were and are no plans to hire new nursing staff at all; they're using all the money to buy diapers, probably so they can let those poor frail and elderly seniors sit even longer in soiled diapers, and that is absolutely wrong.

We raised this question. The minister said the following in response: "The \$100 million in nursing and personal care that was announced on July 31 must be spent on nursing and personal care. That's why we made the decision. There's nothing else that money can be spent on; it must be spent on hiring additional nurses." He is completely out to lunch, because that's not what's happening.

We came back into this House and raised the case of Raincrest Home for the Aged in Dryden, where every single penny was spent on the operating deficit of that facility. We raised the issue of North Centennial Manor in Kapuskasing using half of the new funding to cover WSIB and long-term disability benefits. Not one new nurse is being hired. Lady Isabelle Nursing Home in Trout Creek is not spending a cent of that on staff. The Extendicare in Haliburton, Versacare in St Catharines and South Centennial Manor in Iroquois Falls are using all their money to cover their operating deficits; not one single penny on new staff. Extendicare in Sudbury is hiring one RPN and that's it.

This minister was not upfront and honest when he told residents that in terms of jacking up their fees by 15% they were going to at least get more care. That is not happening, and that was this government's fault, because

they should have made sure that every single penny went to nurses and personal care aides. They're not doing it, and the quality of care for residents in our long-term-care facilities, which was already at the bottom of the heap in terms of the report that this government commissioned and that was made public, is going to get even worse. That's how much you folks care about residents in long-term-care facilities.

The sad reality is that if the government really wanted to protect the frail and elderly in long-term-care facilities, there are a couple of things the government could do. The first thing the government could do is regulate a minimum standard of care in long-term-care facilities. SEIU last year came forward with a proposal of 3.5 hours of hands-on care per resident per day in long-term-care facilities. New Democrats support that call, because there has to be a minimum standard and it has to be higher than what it was, because clearly the results of Price-waterhouseCoopers show how dramatically the care of Ontario residents has declined since this government cancelled that minimum standard.

Secondly, there has to be a regulation with respect to the minimum standard of bathing. If a resident needs a bath a day, a resident should have a bath a day, and that should be in regulation so that nursing homes have to provide that.

Finally, we need more inspectors in long-term-care facilities to ensure compliance. That is not happening now, and that is why nursing homes are able to get away with what they're able to get away with. This government should be hiring more compliance officers who go in unannounced to ensure that regulations are being met.

I say in conclusion that it is a tragedy, it's a shame, that this government cares so little for seniors that they have abandoned all standards of care, and that is why the quality of life for these residents in these facilities is so poor and so awful.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to address the member from Thunder Bay-Atitokan's resolution that our government "should immediately establish minimum standards of care for nursing homes and homes for the aged, including the reintroduction of minimum hours of nursing care and the requirement for a minimum of at least one bath a week" for residents.

Let me say that the Ernie Eves government is committed to meeting the long-term-care needs of Ontario's growing and aging population, and we've taken strong action to address this challenge since we were first elected in 1995. I may add that in my riding of Barrie-Simcoe-Bradford we have had a significant increase in the number of long-term-beds. There's one project in particular, Victoria Village, which is a tremendous project. There were 132 long-term-care beds awarded to allow this project, which will be a seniors facility providing many services for our seniors population, to get off the ground. I might add that they're also going to have, as a part of that project, a facility that will allow for seniors to come in from the community to get their

bathing requirements done. A part of this facility will offer that type of service, and that's a very significant feature of this project. Also, there have been beds that have gone to Grove Park Home—62—the IOOF and Woods Park home, throughout the city of Barrie, and also there have been beds granted down in Bradford-West Gwillimbury at the south end of my riding. So there has been significant investment in this area of long-term-care beds, and I'm very pleased that it's happening in my riding.

The fact is, cookie-cutter approaches to health care such as the member opposite is suggesting haven't worked in the past, they don't work today and they won't work in the future. Our government has not and will not engage in this approach, but this is exactly what the member from Thunder Bay-Atikokan's resolution would do: place a uniform standard over a diverse province where health care needs vary from region to region and citizen to citizen. This simply won't do, and the member from Thunder Bay-Atikokan should know that.

When it comes to imposing a minimum standard for bathing and nursing in long-term-care facilities, such a concept just wouldn't serve the best interests of residents. That's because Ontario funds more than 60,000 long-term-care beds, and each of those beds is occupied by an individual resident with individual needs. That's why our government supports the flexible approach of personal care plans for each and every long-term-care facility resident in Ontario. Personal care plans mean that the long-term-care facility residents in the province are assessed according to their individual requirements to ensure they receive the personal care that they need. This means even better care for residents and greater peace of mind for families.

1030

As you know, our government changed the regulations concerning personal care in long-term-care facilities to ensure consistency across the board and the province. The new regulation for the Nursing Homes Act, the Homes for the Aged and Rest Homes Act and the Charitable Institutions Act specifies that nursing staff ensure that appropriate care of each resident is provided to safeguard residents' health and maintain personal hygiene. Compliance advisers are making sure this regulation is being followed.

Our government's commitment to even better personal care for residents of Ontario's long-term-care facilities certainly doesn't end there. That's because earlier this year my colleague the Honourable Dan Newman, Associate Minister of Health and Long-Term Care, announced a \$198-million investment to improve the delivery of long-term-care services across Ontario. Of this, \$100 million will go to enhance the delivery of long-term-care nursing and personal care services, as well as programming and support services. That is a significant investment and commitment to the personal needs of our seniors. I am proud to say in this House today that this is the single largest infusion of funds into nursing and personal care services for the long-term-care sector in the history of this province.

This investment didn't happen when the Liberals were in power, and it wasn't made by the NDP. It was our government that made this investment so that the health care professionals on the front lines, the people taking care of our parents and grandparents, will have the resources they need to provide even better long-term care in our province. By making the investments that need to be made today, rather than putting them off like the Liberals and NDP did, we can make sure that quality long-term-care services are there where and when they're needed, no matter where you live in Ontario.

Based on estimates from the nursing home sector, this unprecedented funding could see as many as 2,400 nurses and personal care workers added to the long-term-care sector. That represents 3.9 full-time equivalent staff per 100-bed facility. That means even better long-term-care services for the people of Ontario today, even better long-term care tomorrow and even better long-term care in the years to come.

Our government firmly believes that taxpayer dollars spent through the Ministry of Health and Long-Term Care should be spent on the actual health and long-term-care services that the people of Ontario need throughout their lives. That's why we made our unprecedented funding announcement, and that's why we changed the legislation to provide even better care for our most vulnerable citizens.

Mrs Marie Bountrogianni (Hamilton Mountain): I'm pleased to rise and support my colleague's resolution for minimum hours of nursing care and the requirement for a minimum of at least one bath per week. It's almost a shame that we need to make this resolution, that we've come to this in Ontario in 2002, isn't it?

Here's a little background from cards that we all receive. We all receive thousands of cards from residents on the long-term-care situation. I'll just paraphrase some of it. If you already have a friend or a family member in any of the over 525 long-term-care facilities across Ontario, you will understand why I'm asking for your help. If you don't, the following information will help you: over 60,000 Ontarians living in long-term-care facilities are older, frailer, sicker and require more care than ever before; 95% require assistance to get dressed; 94% require some assistance to eat; 63% suffer from dementia; 39% are aggressive; 56% have circulatory disease and 49% have a musculoskeletal disability.

Government funding has not kept pace with this increase in resident need. Current funding levels allow for four minutes to assist with getting up, washed, dressed and to the dining room, 10 minutes for assistance with eating, 15 minutes of programming per day and, until recently, one bath per week. Of course, even this was removed recently. These are seniors who have played by the rules, paid taxes all their lives, want to live their last years with dignity and comfort, and are being told no. They're very angry and very hurt. They're very upset, and they don't trust any of us now.

Another thing that is really problematic in our communities that affects long-term care, even for those

residents who finally do get into these facilities—the physician shortage makes it impossible for many to be able to go into these facilities. It's a huge problem across the province. Part of that, of course, is the ridiculous funding for physicians to visit long-term-care facilities: \$17. It's absolutely ridiculous. That is the kind of value we place on our doctors' services in long-term-care facilities. It's very difficult to find doctors, and people are suffering as a result.

This afternoon I will present thousands of cards to the Minister of Health from people who, because of the inadequate care in long-term-care facilities or because of long waiting lists to get into long-term-care facilities, are complaining because of the cutbacks to community care access centres. Their home care has been cut drastically. In my community, Jim Murray, the same hatchetman who cut home care is now cutting our education system, and it's very problematic. We have a lot of challenges in our community because of what this government has done.

I want to talk about some of the cards. They're all typed, but some people have added anecdotes that really touch us when we read them.

From Anna Liburdi: "People deserve and want to remain at home as long as possible because inadequate care is provided in most long-term-care facilities according to seniors. On behalf of my grandson, who will not be able to be kept at home if I get cut, I am protesting cuts to home care."

They went to a meeting and we talked about long-term care and home care. One lady said, "I attended; I heard; I don't like what I heard. You and your party"—talking of course about the government—"and CCACs should be charged with abandonment by the sick, disabled and elderly."

Another woman said, "How would you like to have to have a neighbour come into your home to dress you, clean you up after an accident etc? I do and it is horrid. My caseworker is overworked. I get one hour per week for a bath. The rest of the time I rely on strangers. I am not the only one. Wake up here. We have feelings; we are hurting."

"You are killing us. No care; no meals; no help at all. I hope I die before it gets any worse. At least I will be out of your way. We are dying."

These are handwritten. "People with disabilities living in their own homes, God bless them because you don't"—to the government. It's very sad, but we have to put this on the record.

Here's another one from Betsy Watson: "I hope my husband and I die soon. We were so proud to have good care at home for our handicaps etc. Now with your cuts we are in terrible shape. I hope you never have to endure the shame we do now."

These are linked. When you have waiting lists for long-term care, when you have inadequate care in long-term care, people are at home more. With cutbacks to home care, that is inadequate as well. We are hurting the most vulnerable in our society. We are hurting those who

have built this province for us to enjoy, for our children. Now in the last years of their lives, we have abandoned them. Shame on the government.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to rise this morning to make a few comments on Ms McLeod's motion. I'm pleased to join my colleagues to respond to the question from the member from Thunder Bay-Atikokan regarding a minimum standard for bathing and nursing in Ontario's long-term-care facilities.

With regard to the issue of a minimum standard for bathing and nursing in long-term-care facilities, the fact is that such an approach simply wouldn't serve the best interests of residents in Ontario's long-term-care facilities. That's because long-term-care facility residents are assessed according to their individual needs to ensure they receive the personal care they actually require in that particular home. Compliance advisers ensure the regulations are being followed as well.

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As my colleague stated earlier, in July of this year the Ernie Eves government announced \$100 million to enhance the delivery of nursing and personal care services in long-term-care facilities, as well as programming and support services. I'm proud to say that this announcement brought our long-term-care facility funding levels to an unprecedented \$1.8 billion. This \$1.8 billion represents an increase of more than 50% over the \$1.15 billion that was being spent when our government took office in 1995.

We've been moving ahead with this initiative as part of our commitment to ensure that long-term-care facility services are not only of the highest quality but also readily accessible for current and future residents as well. The July announcement that my colleague the Honourable Dan Newman, Associate Minister of Health and Long-Term Care, made was part of our \$198-million investment to improve the delivery of long-term-care facilities and greatly enhance long-term-care nursing and personal care services in long-term-care facilities across our province. Based on estimates from the nursing home sector, this funding could see as many as 2,400 nurses and personal care workers added to the long-term-care sector. That represents approximately 3.9 full-time equivalent staff per 100-bed facility. As my colleagues have stated earlier, that investment also represents the single largest infusion of money into nursing and personal care services in the long-term-care sector in the province's history.

There's no question that our government's commitment to address the needs and meet the challenges of Ontario's growing and aging population is clear and strong. That's evident because we're putting more money where it's needed most. That's also why we've initiated annual reviews of the long-term-care facilities and developed a province-wide tracking and reporting system to monitor the reviews.

An ongoing professional development and training strategy has been developed for ministry compliance advisers involved in the inspection of long-term-care

facilities. That strategy focuses on best-care practices, competencies, multi-disciplinary team approaches and consistency in interpretation and application of long-term-care facility standards, regulations and legislation.

What's more, we are carrying through on our commitment to conduct a major review of the long-term-care facility compliance management program in partnership with the long-term-care sector. The review covers a number of initiatives that include reviewing standards, analyzing data trends, developing a risk-management framework, training to promote consistency among the compliance advisers and, finally, a review of the legislation and regulations. Once the review is completed, recommendations will be developed which will form the basis for a plan of action.

I want to join my colleagues today to emphasize in this House that our government, the Ernie Eves government, truly appreciates the work of Ontario's long-term-care professionals. And at the heart of long-term care are the nurses, whose skill and dedication makes all the difference to the well-being of the residents. Our government will continue to work with nurses and other professionals, with owners and operators of long-term-care facilities, and with other members of the long-term-care sector to ensure the highest level of service across the spectrum of long-term care in this province.

Our record has been very good to this date. In fact, if you're looking at the long-term-care facilities that we've built across the province, the 20,000 new beds that are currently being developed, along with 13,000 beds that are being developed to a class-A standard, I think it's safe to say that our government has done an excellent job in this area, considering the fact that in the previous 10 years before the government came to power no new long-term-care beds were opened in the province.

That's our record and our commitment, and I appreciate the opportunity today to say a few words and to respond to Mrs McLeod's resolution.

Ms Caroline Di Cocco (Sarnia-Lambton): It's with great pleasure that I rise to speak on Mrs McLeod's resolution, "That, in the opinion of this House, the Ernie Eves government should immediately establish minimum standards of care for nursing homes and homes for the aged."

I find that, in this day and age, to actually have to be in this House to ask for a resolution to establish minimum standards, is almost as if we're returning to the Dark Ages when it comes to our long-term-care standards. I agree with her comments, and I certainly know that she has a great in-depth understanding of this sector, that the Harris-Eves government has abandoned many aspects of our social services in this province.

I hear over and over again, as everyone hears, that this government's argument is they've put more money into long-term care. Well, they have put more money into long-term beds, but I want the public to understand something that has been stated before in this House, and that is, they first shut down I believe it's 40% of the chronic care beds. These patients of course had to be put

someplace else, so of course they had to be put in long-term-care facilities. Therefore there was a need to put more money into those beds because otherwise these people would have nowhere to go. It's like they start a fire and then they want to get credit for putting it out. That's what their argument always is: "Oh, we're putting money into this." Well, they needed to because there were 18,000 patients, 18,000 people, who had to get into long-term-care beds.

Again, cutting minimum hours of standards for nursing care means that there is no accountability mechanism, so they don't have to answer as to why these hours are not being provided. Because when you continuously ration the dollars to the point that people cannot give the number of hours that are required for care—I have had a number of patients and a number of families come into my office distressed about the quantity of care that their loved ones receive. Why? It's not the caregivers' fault, because they do the best they can. It's the fact that the resources just aren't there to provide the care for these people who need more care.

If people were in hospital, in the chronic care beds, the quantity of care that they would have received, and the hands-on care, of course, would be substantially more. But you see, we are now in a time, because of this government's ideology, that it's all about saving money: "Where can we save money? Does it mean that we can provide one hour less care for people a day? Yes, we'll do that, because after all, these people are elderly." There's the sense that it is only the very well-to-do that seem to benefit from the policies that this government has ongoingly provided to this province.

I applaud my colleague for this resolution. I hope that the government members have the conscience and the social conscience to vote for this resolution because this resolution is needed and it's just in good conscience that the government members should vote for this resolution.

Mr John Gerretsen (Kingston and the Islands): I'm kind of surprised that a government member wouldn't stand up, because it's normally their rotation. But let me first start off all start off by telling you that over the last three or four months, as critic for long-term care for my party, I've had the opportunity to go into many, many long-term-care homes. I've always been impressed with the people that work at these places. Our hats should go off to them for the tremendous amount of work that they do. They're not the problem; the problem is the tremendous underfunding, and that's what it's all about. We in this province traditionally have not paid enough attention, we have not put enough resources into making sure that those people that need all the nursing help that they can get during the last years of their lives get the needs that they're entitled to. That's the real problem.

What's better evidence of that is the fact that the government's own study, the PricewaterhouseCoopers study that they funded of 10 similar jurisdictions to Ontario—they looked at states in the United States, they looked at other province, they looked at countries our

size—by that I mean Ontario's size—in Europe. And what did they find out? I'll quote to you from the report: "In general, there is a greater gap between needed service and service provided in Ontario long-term-care facilities than in other jurisdictions for both nursing and other therapy services." We rank dead last—lower than Mississippi, lower than Louisiana—in the amount of care and in the amount of support we give our nursing homes so they can properly look after the elderly people there, who have contributed so much to this province.

1050

That's really what this is all about. Even with the government's new investment on the operating side, for which I applaud them, we will still rank dead last. The decision we have to make in this province is, with the generally high standard of living we have, where we're rated one of the best countries in the world and we are the best province in the best country in the world, do we really think, in terms of the way we take care of our seniors, that it's good enough to rank dead last when it comes to nursing services and personal care services we provide for our seniors in the homes? That's what it's all about. Let us collectively set out a vision whereby we say that within the next five or 10 years we want to rank among the best jurisdictions in providing for our elderly in this province. That's what it's all about.

Yes, you're putting some money into new beds, and they are needed to some extent; there's a question as to what extent. But then what did the government do? When they got 50,000 petitions from individuals, people who were saying, "You've got to invest more money into nursing and personal care services," they took their own report and twisted it around and basically wanted to put a 15% increase on the people who live there by saying, "Well, you want us to invest more. Here it is. We're going to charge you more." Talk about all the cynical moves one can think of. That's what happened. Now, the government quickly backed away from that after awhile and said, "OK. Well, maybe we'll make a 15% increase over the next three years."

It's all about accountability. I don't want to stand here for a moment and say that the people who provide the daily nursing services and the daily personal care services in the homes aren't doing the best they can, but it's with greater acuity, the fact, according to this report, that there's a 39% higher acuity with our seniors. In other words, they need much greater care than they did five, six, seven years ago. In those days, people were more mobile. They're older now and they need more help in the homes.

What it all boils down to, and what this resolution basically speaks to, is, let us give these people some minimum level of help. Let's make sure that the standards aren't below at least one bath a week. Let us try to raise the amount of nursing and personal care we give to our elderly. I think we owe them that. That's what this is about. The change in regulations, which is all wonderful language saying, "We will hold the operators respon-

sible; we will hold the personal care staff responsible," doesn't do anything. The people who have contributed so much in this province deserve better from us, and the best way we can do it is by making sure they get the best kind of personal care and nursing services possible. This resolution is one step in that direction.

Hon Doug Galt (Minister without Portfolio): I appreciate the opportunity to be able to make a few comments on the resolution brought forward by the member from Thunder Bay-Atikokan regarding standards for bathing and nursing in Ontario's long-term-care facilities.

Having just listened to the member from Kingston and the Islands, if I was scoring that on theatrics, I'd give him a 9 out of 10. If I was scoring it on content and change of direction, he'd get a 1 or a 2 out of 10.

Interjection.

Hon Mr Galt: Oh, I'd give him a little more than a zero. I'd give him a mark or two, because they keep changing direction. You never know where they're going to be next.

I'm very, very proud to be part of a government that has invested record amounts of money in our province's long-term-care sector and one that has improved long-term-care services throughout Ontario like never, never before. We've worked hard, with a clear vision on how to meet the needs of our growing and aging population. We've come a long, long way since we were first elected in 1995.

This stands in stark contrast to the party of the members opposite, which took virtually no action to meet Ontario's long-term-care needs when they were in office. From 1985 to 1995, zeroing in on that period, for 10 years not one single, solitary long-term-care bed was created in Ontario. What did they do? They cut many of the acute care beds, leaving wings of hospitals empty, not having the intestinal fortitude to actually close a wing, but cutting many acute care beds. Not one long-term-care bed was created in Ontario during that period.

Now I see them standing up, holier than thou, saying what they would do if they came to office. They're like a moving target: hard to hit. You never know where they'll be tomorrow; you only know right at the moment where they are, but it's constantly changing. When they were in government, they had the opportunity to govern, but what did they do? They called an election in less than three years, thinking they could jump ahead of a disastrous economy, which they had indeed created.

I just listened to the member from Kingston and the Islands talk about "the best possible care." That's the direction in which we're going. He referred to "lower than Mississippi," but he didn't refer to how that was measured. What was the measure? He did not go into that in any detail at all. He knows that if it was measured in any other way, Ontario would not be in that position.

I did like his comments about liking to be one of the best. I think that's indeed a great idea. But then he went on to talk about accountability. Our government has brought in more bills, more activities, more regulations on accountability, whether it's education or health. What

has the official opposition been doing? What has the member from Kingston and the Islands been doing? They have voted against every bill we've brought in having to do with accountability. They're now talking about accountability, and I think that is just absolutely marvelous. I don't know what position they'll take tomorrow on accountability; they'll probably vote against it. But it was so refreshing to sit on this side of the House and hear somebody in the Liberal Party talking about accountability. It just warmed the cockles of my heart to hear them talk about accountability. It's just beautiful. I hope they keep talking about it, and I hope they do more than talk about it; I hope they'll actually vote, when we bring forward bills about accountability, and I hope they'll actually support them.

The Acting Speaker: Response?

Mrs McLeod: I do thank my colleagues from Nickel Belt, Hamilton Mountain, Sarnia-Lambton and Kingston and the Islands for their support on this resolution.

For the record, to the member from Northumberland, when the Liberals were in government, 50% of the people who were in long-term-care facilities needed residential care, not long-term care, and that's why we invested and created the integrated homemaker program and put half a billion dollars into setting up that homemaker program, the very same home care program that this government has completely eroded.

To the members from Barrie-Simcoe-Bradford and Simcoe North, I can only wish that you would throw away the briefing notes the minister has given you, get out into the facilities in your ridings and see what's actually going on. You used all the words the minister uses: "Standards don't work; they don't serve the best interests of the residents. We need to meet individual needs. We're going to have personal care plans." All of that would be wonderful. It's what we would all like. It is not what your government is funding. You are not funding minimum, basic levels of care. When you're challenged on that, you remove the regulations that would in some way have held you accountable.

Minimum standards are not adequate quality of care. I would never argue that for one moment. I would hope that a government that truly cared would go far beyond the minimum in providing enough resources to long-term-care facilities that we really could go beyond minimums, that we could really deal with personal care needs and personal care plans. That's what we should have. It's not what we have now. Minimum standards are at least a way of holding a government that does not care to a very basic minimum standard.

To this government's shame, not only have they withdrawn the minimum standards, but when a political lobby reached such intensity that they were forced to address in some minimal way the care needs of residents in long-term-care facilities, they had the sheer gall to say, "Yes, we'll do something, but we're going to make the seniors pay for it out of their own pockets." For shame.

The Acting Speaker: This completes the time allocated for debate on ballot item number 67. I will place the question to decide this matter at 12 noon.

1100

REMOVAL OF OCCUPATIONAL
BARRIERS ACT, 2002
LOI DE 2002 SUR L'ÉLIMINATION
DES OBSTACLES PROFESSIONNELS

Mr Ruprecht moved second reading of the following bill:

Bill 189, An Act to remove barriers to the practice of occupations, professions and trades in Ontario for persons with appropriate qualifications obtained outside Ontario / Projet de loi 189, Loi visant à éliminer les obstacles à l'exercice de professions et de métiers en Ontario par quiconque a obtenu ailleurs les qualités professionnelles appropriées.

The Acting Speaker (Mr Michael A. Brown): The member for Davenport has 10 minutes for his presentation.

Mr Tony Ruprecht (Davenport): I am pleased to introduce this private member's bill to this Legislature and to recommend its passage to every member. Here is why: our parents and grandparents came to Canada to find a better life. Because they were hard-working, they succeeded. Essentially, we all know that they had access to education, and later on, access to professions. But today this is not the case.

Many physicians, engineers, nurses, veterinarians and on and on are getting extra points outside Canada from our immigration department to come to this country because they have a profession, they speak the language and they're very hard-working individuals. Once they arrive on our shores, the reality is different. The doors to professional occupations, the doors to get a great life in this country—to be prepared, to work hard and make a go of things and start anew in a different place, probably with a different language, is tough—are being shut in their faces.

We all know the problems. Every one of you in the government knows the problems as well. Every one of us has been approached by people who have a great education and great possibilities to participate in this country's economic well-being and progress, but the doors are being shut.

Even Premier Harris recognized the problem. In 1995, he said, "We're going to act on access to trades and professions very swiftly."

Then I asked the question to Marilyn Mushinski, who is right here—and I'm very happy—because she was the former Minister of Citizenship. She even said, "Right now the system, according to the report that came out, has not been adequate." That's right from the Minister of Citizenship's mouth.

Then we move from Ms Mushinski over to Isabel Bassett. Isabel Bassett was also a fine Minister of Citizenship. Guess what Ms Bassett said? "The ministry commissioned a study by Price Waterhouse; in fact, the final report was ... submitted April 6, 1998. It concludes

that the existing services do not have credibility and wide acceptance among employers."

She knows the problem. The Premier knows the problem. Every Minister of Citizenship knows the problem. Now of course the new Minister of Training, Colleges and Universities knows the problem. So what are we going to do about this? The new Minister of Citizenship knows the problem as well because he too is being approached. What is he going to do about this? We have a responsibility to those who have come to this country and who want to participate in the economic well-being.

The specific problem is simply this—and I will quote from various reports. Here is a report by the Ministry of Citizenship itself. It says, "We find barriers to be systemic, generally applicable to most occupations and rooted in the practices of self-governing bodies.... Few professions are free of discriminatory practices."

Second, the federal government in a new report, *Not Just Numbers: A Canadian Framework for Future Immigration*, March 1998, says, "Many" licensing bodies "have used their role as protectors of the health and safety of consumers as a guise"—guess what?—"to protect the interests of their members through exclusionary entrance requirements."

Finally, the Canadian Human Rights Tribunal came to this conclusion: "The government has given them"—the licensing bodies—"the power and they are using it to exclude." I can go on and on. This practice is "widespread and generalized evidence of practices, which are discriminatory." This is from Peter Cumming, the Ontario Court judge, law professor at Osgoode Hall.

It is clear: we need to act. You, as members of the government, have a special responsibility to vote for this bill today. You did me great pride three years ago. You said yes to the private member's resolution I proposed three years ago. This House voted unanimously except, of course, one person who has carriage of this bill, and that person was the very Minister of Training, Colleges and Universities who was supposed to know better. Did she show up to vote for it? No. Is she going to come today and vote for it? I would only hope so. Let this message go out loud and clear to her and to the government: I want you to come here. I want you to show your face. I want you to vote for it, because that would mean that this bill will get quick passage and there will be enough money set aside for it to be introduced to some body, either government or private, to check things out and to produce results.

We know the problem. What is the solution? The solution is the following, and I will propose it:

"(1) Individuals should have the opportunity to seek licensure or certification in professions and trades for which they have been trained." That's almost obvious.

"(2) Full information on the licensing/certification standards and appeal processes of licensing and occupational bodies should be available and accessible.

"(3) Any competency assessment or licensure/certification requirements should be based on criteria

relevant to performing adequately in the profession or trade.

“(4) Candidates should be provided with written reasons for denial of an application or appeal for certification or licensure in a trade or profession.” In other words, we want this process to be as transparent as possible.

“(5) Individuals should have access to training opportunities when upgrade training would allow Ontario competency standards to be reached.”

Are we asking the impossible? Certainly not. Any society that prides itself on getting people from countries—Europe and, in fact, even from Third World countries. It’s an exchange. It’s a brain drain on their country because they would like to have a new future and a better way to create a new life in Canada. Yet what do they find? They find the doors are being closed.

We have various agencies that came up with solutions and recommendations. Today is the day when we are put to the test, and the test is very simple: do we really want people from outside of our province—whether it’s Manitoba, Quebec or British Columbia, and whether it is through Third World countries or outside the United States or outside our shores—to really come here and then end up as taxi drivers, when they are physicians, lawyers, nurses, engineers?

We have so many of them. In fact, we now have the government saying, “Let’s do something quickly,” because of the response and the very huge demand that is now being placed on the government to act. So the Minister of Health is finally saying, “Do you know what we’re going to do? We’re going to fast-track the system because we need 1,585 doctors in Ontario.” That’s the need. Many of our residents can’t get to a doctor. Many of our residents, especially outside of Toronto in the smaller towns and smaller centres of Ontario, have no doctors at all, and they have to make do.

1110

We need 1,585 doctors. Do you know what the International Association of Physicians and Surgeons of Ontario is telling us? They are saying, “We have over 2,000 doctors right here in Ontario waiting to get into the system, and there is no space.” What an option we have: we need so many doctors, they’re already here and yet there is no way for them to be fast-tracked. The Minister of Health is going to stand up and say, “We’re going to fast-track them.” Yes, but do you know how many? Seven hundred and nine recently applied to the fast-track system. Do you know how many were accepted? Forty-four. If we continue this, obviously the shortage of doctors will increase. There are 3,000 doctors who very quickly will reach age 65. The demand will be even greater.

Finally, Skills for Change, an organization looking into this matter, has made some very good recommendations. I can’t read them all now, but I simply say to this government, look at this bill, support this bill, because the need is great and we need your help.

Mr Garfield Dunlop (Simcoe North): It’s a pleasure today to speak to Bill 189, An Act to remove barriers to the practice of occupations, professions and trades in Ontario for persons with appropriate qualifications obtained outside Ontario. I’m pleased to have this opportunity to speak to Bill 189. I think it is fair to say that the strength of our economy owes a great deal to the skills, dedication and talents of people who have chosen Ontario as a place to live, work and raise a family. Of course that falls back many generations. Prior to Confederation, people emigrated, particularly from Great Britain, to make a life in Ontario. Right up to today, people are arriving, creating jobs, finding employment and helping to build the strongest province in our Confederation and of course the engine that drives the Canadian economy.

We know that Ontario is the prime destination for new Canadians and that about 60% of all immigrants to Canada choose our province. This is in part because of the opportunities and infrastructure available to them. We can look at any sector, from construction to manufacturing to services, and Ontario has benefited from the contributions that different cultures have brought here.

A few months ago, the Conference Board of Canada released a national report called Brain Gain: The Economic Benefits of Recognizing Learning and Learning Credentials in Canada. The study points out that an improved system for recognizing the learning of immigrants would offset the brain drain and benefit our economy.

The provincial government helped sponsor this study. Its results reflect our experiences in Ontario. Our government has always recognized the importance of helping the foreign-trained quickly enter our economy and put their skills and knowledge to work here in our province.

I know, for example, one of our government’s initiatives allows internationally trained journeypersons to write the certificate of qualification exam provided they have the experience and the required number of hours of training.

Our government has also developed a range of innovative tools to assist internationally trained tradespersons access their occupations. These include a skills-based test for automotive service technicians as an alternative to the written certificate of qualification test and projects that include occupation-specific language instruction.

In conjunction with a general guide for internationally trained tradespeople, we have published fact sheets for five trades: automotive service technician, hairstylist, industrial electrician, industrial millwright, construction and maintenance electrician. An additional three fact sheets are being pilot-tested for refrigeration and air conditioning mechanics, tool and die makers and general machinists. Of course we know that in all those areas we have a shortage, not only in our province but right across our country and indeed right across the continent.

Our government remains committed to helping skilled newcomers enter the labour force quickly and contribute to our strong economy. We continue to attract the

world's best and brightest to Ontario by helping internationally trained professionals and tradespeople qualify for employment and gain access faster.

Our government has improved access to education and training opportunities for immigrants. We have posted fact sheets on the Internet so that potential immigrants will be aware of occupational and professional regulations in our province long before they actually arrive here. We continue to work with community partners, occupational regulatory bodies, employers, educational institutions and community agencies to reduce barriers so that immigrants can find suitable jobs.

The parliamentary assistant to the Minister of Training, Colleges and Universities, Mrs Mushinski, has talked to me about the important contribution her ministry makes, and this bill would limit opportunities for new Ontarians to attain similar achievements as their predecessors. Other provinces are looking to Ontario to see how they can help immigrants in their towns and cities, and I thank the Minister of Citizenship, the Honourable Carl DeFaria, for his strong work in his ministry in helping provide some of this work.

Our government has taken a leadership role and it has continued to lead the way in creating opportunities for new Canadians. I think that's shown very clearly in the fact that almost one million new jobs have been created here in Ontario since 1995. I know that each year the Ministry of Education provides school boards with funding for adult English as a second language, based on program enrolment. For 2001-02, school boards received more than \$42 million for this program.

The newcomer settlement program of the Ministry of Citizenship provides nearly \$4 million to 88 community agencies for settlement services for new immigrants, as well. The Ministry of Enterprise, Opportunity and Innovation has programs to help immigrant entrepreneurs and investors start businesses and create even more jobs here in our province. This government's approach has been inclusive, to engage the community, employers, workers, occupational and professional regulatory bodies, educators and trainers, all to help create solutions that work better for our province.

While we are consulting, listening and helping to find solutions with the support and input of the community, Bill 189 says the government has all the answers. While I agree with the intent of the bill, and will vote today to support this bill, I agree with my colleagues on this side of the House that further discussion at committee is very necessary.

I appreciate the opportunity to speak to Mr Ruprecht's bill this morning and look forward to further debate here.

Mr Alvin Curling (Scarborough-Rouge River): Let me, in my short time, hurriedly express my great appreciation to my colleague Tony Ruprecht for again bringing forward legislation that I had put forward and he had put forward at one time on the same matter. It becomes rather frustrating that this government will talk about it but do nothing. We've had so many ministers who have tried to do something and nothing has been done.

I heard the member over there state that we are moving toward many things like ESL programs. I want to brief him a little better on this. In addition to what we have here with foreign-trained professionals who are well trained and well skilled, who come to our country and our province, this is really a global phenomenon. Many countries today are competing to attract world talent and skills. In fact, just recently the august magazine the Economist—you're quite familiar with it—in their September 5, 2002, edition, had an intriguing study titled "Onward Bound" and asked, "Do developing countries gain or lose when their brightest talents go abroad?" It highlighted the pain that certain nations undergo when their pool of talent migrates to nations such as Canada.

I'm not here to talk about the pain that developing countries suffer when they lose—the brain drain. What we're talking about is the brain gain. They come here and we need to recognize and understand their contributions. Those contributions can be seen. Who can address those contributions? The regulatory bodies, as my colleague talks about in his bill. They need to recognize social and economic responsibilities by expediting the accreditation process and opening up the professional bodies—we know how tight and restricted they are—and he expresses that in his bill. Those regulatory bodies can advocate on behalf of the potential professional programs, such as ESL. The member talked about the ESL programs. They are a great and dire need, because some of these individuals really need that ESL program to assist them in that process. That would help them to support the system, and also by the government.

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The member stated that it's governments who have all these wonderful things that they alone can deliver. No, we're talking about other organizations. Government, of course, needs to recognize their responsibilities, not only through positive, constructive, well-funded programs, but also to be a clearing house of information, a leader in institutional building and to be involved in advising potential immigrant applicants with honest expectations of the systems in Ontario and Canada; to play a more effective role in immigration policy, because when people do arrive here, they are not giving that kind of support to access and play a role in their potential.

The private sector, the businesses that benefit most from this professional talent, also need to take a leadership role and become part of the solution with standardized acceptance of accreditation and recognition of foreign degrees and experience, and a willingness to remove visible and latent barriers that exist. By embracing such objectives and working together, all three groups will realize the benefits and potential benefits of foreign-trained professionals.

There's an economic benefit, of course: The under-utilized skills benefit economic growth and fill the current and potential skills shortages. The current cost of non-recognition of immigrant credentials, which is estimated at \$2 billion, would be addressed. These are people working who are being under-utilized, people

who are professionally skilled. The province, the government itself, is not playing a very active role in that.

The social benefits are extremely important. It builds strong family values; it establishes a sound foundation and demonstrates an example for the children; it brings pride and respectability to the family. No fathers or mothers who are quite professionally skilled are at home, very under-utilized. They're encouraging their children that they, themselves, should be seeking education. Some of them would wonder, "What for, Mom? What for, Dad? You are not being utilized with the wonderful skills that you have." It's the government's responsibility. The social benefits are being undermined here. It allows the family to refocus the strong benefits of education and skills.

I'd hope that this government will endorse and embrace this policy, this legislation, and vote for it.

Mr Michael Prue (Beaches-East York): This nation has prided itself, probably since the time of Clifford Sifton, as being a nation of immigrants. In fact, Canada has welcomed per capita probably more people from other countries than any other nation on earth.

The big immigration years are not the ones we're seeing now. In fact, the big immigration years were during the population and settling of the west with the hundreds of thousands of people who were recruited in the Ukraine, from northern and eastern Europe, to populate the provinces, what were then the Northwest Territories. But we in Canada have not kept up with that noble tradition. Even though we continue to this day to take some 200,000 immigrants in Canada per year, those numbers do not reflect anywhere near the numbers that were taken when Canada's population was much smaller.

The number of immigrants coming into Canada has never come close to the 1% that most social observers say can safely and quickly be absorbed into the larger Canadian population. In fact, we should be doing more to help immigrants come to this country than we have done. I say that as a person who worked in the immigration department myself for some 21 years. In those 21 years, I saw people come from all over the world to make Canada their home: people who often came with very little more than a gleam in their eye and a hope for their children; people who prospered; people who were able to make significant contributions.

There have been many changes, though, even in my lifetime, even within the lifetime of people in this room. And how the immigration system has changed. Not only has it changed with respect to where the people are coming from—they are no longer primarily coming from Europe and the United States, the two previous source countries going back to the 1960s and 1970s, but they are now literally coming from every one of the 180 nations of this world. They are coming here speaking many languages; they are coming here with many creeds and religions.

Those immigration patterns have changed in other ways too. They've changed in the way that Canada recruits people. Now we have what is called a point

system grid that allows people to come to this country. In the past, it was easy for people who could be sponsored or nominated by relatives to come here with virtually no problem, provided they had a blood relative. But today the primary sources of immigration are those who can apply and make the required number of points under the systems of either Canada or Quebec. The federal reliance on the family class has shifted remarkably in the last number of years. There is now a whole new emphasis on skills and abilities. One has to have the skills and abilities and the number of points in order to simply pass and be allowed forward. But the government of Ontario has not shifted with that whole new emphasis on skills and abilities. We act as a government in this province no different from the governments in the 1950s and 1960s who simply saw an incoming mass of people who were sponsored by relatives, the relatives who would look after them, find them jobs in the construction trade or on the farms or wherever they were destined. That has not changed.

Quite literally, the immigrants who are coming to this country, particularly to this province, are frustrated, because their skills and abilities for which they were chosen on the new grid systems are not being recognized. Literally as well, although you see the numbers of some 200,000 to 225,000 immigrating to this country every year, you do not see those who are emigrating. You do not see the ones who have given up in frustration and have gone back to their former countries, or who have gone on to a third country, like the United States or Great Britain, where their skills and abilities are being recognized. We talk about taking the best and the brightest. We do not use them. Literally tens of thousands of people leave in frustration after months and sometimes years of being unrecognized. We are all the poorer for it.

We are going to support this bill, but we support it not as an end but as a stop-gap measure. It allows for accreditation of immigrants; it allows for written reasons if those persons are refused accreditation; it allows for accrediting agencies to ensure that training will be given to new immigrants and people so that they can be allowed to compete in the Canadian market; and it allows an appeal process.

The major failure of this bill, if there is a failure, I think is twofold. The first is that it puts back on to the shoulders of the new Ontarian, the new immigrant to this country, that they must go to the courts to seek redress. That is an expensive process for anyone. That is an expensive process to someone who is established here, but it is doubly and almost impossibly expensive to someone who has come here, sometimes without the necessary monies—not everyone comes to this country rich—to then have to go out and hire and a lawyer. It must be shameful, if the person was a lawyer before, having to go out and hire another lawyer to go to court because they are not properly accredited, to spend all of that money and time, particularly to sometimes wait a year or two years in a backlogged court system, to get redress. We do not think that putting people through the

court system, as this bill suggests, is a good thing. Something else needs to be done.

That takes me to the second, and that is a bill that was before this House back in 1999 by Tony Silipo, who was then a member of this House. He was suggesting a credentials assessment agency that could handle this kind of grievance rather than sending it through the courts. We think this bill would have been better with a credentials assessment agency. If the bill is passed today and is sent to committee, that is precisely the kind of amendment we would attempt to put to strengthen the bill in the short term.

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But in the long term this government, the government of this province, has to do far more. The government has to be a player, and we are not a player, in this worldwide movement of people. We talk about needing doctors, we talk about needing engineers, we talk about needing nurse practitioners, but Ontario does nothing to get them.

As far back as 1867, Mr Speaker, the province of Ontario has had authority to do something about this. With your permission, I would just like to read something that, with the new Constitution and the Charter of Rights, people have forgotten about, and that is the British North America Act, which is still extant and which gives the provinces all the authority they need to do exactly what should be done.

Section 95 deals with agriculture and immigration, and it reads as follows:

"In each province the Legislature may make laws in relation to agriculture in the province, and to immigration into the province; and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to agriculture in all or any of the provinces, and to immigration into all or any of the provinces; and any law of the Legislature of a province relative to agriculture or to immigration shall have effect in and for the province as long and as far only as it is not repugnant to any act of the Parliament of Canada."

What that means is that Ontario can do something similar to what Quebec has done. They have developed their own grid system. They have their own immigration officers who are abroad and who are in the province of Quebec to assist new immigrants, to choose new immigrants, to assess new immigrants, to assess credentials. I would suggest that we go no further than to our sister province of Quebec to see a province that actually recruits and recognizes people they choose and bring in.

We do not do that. Ontario should be there. Granted, it may be a little bit expensive, but Ontario would have a golden opportunity to go out into the field and choose people we need. We could choose the 1,500 doctors we need. We could choose the nurse practitioners and the engineers. We could choose the people who are in demand in this province. And we could recognize their credentials before they arrive here, not when they arrive here, not a year after they arrive here, not when they've given up in frustration and gone home, but while they are

waiting to get their papers, their immigrant visa, to come to Canada.

Surely that makes much more sense, to say, "Ontario wants you and when you come with that doctor's certificate you will be recognized," or, "When you come with your certificate you will be required to do an additional year in school, and do you understand that will be the requirement?" People will then be able to make a rational choice whether they want to come to Ontario or to Quebec or to British Columbia. But certainly in Ontario, which takes more than half of all the immigrants to this country, we should be the leaders; we should be choosing the people and we should be helping those people to understand what it is to immigrate to this province.

It takes most immigrants about a year in the process from the day they apply for an immigrant visa until that visa is given to them. In some parts of the world, unfortunately, it may take two or three, in some it is less than a year, but a year is a fairly standard average. In that year, while medicals are being done, while stage B is being done, which is criminality and terrorists, while we're looking at all that stuff and all those tests are being done, this is an opportunity for the government of Ontario. If we do what is allowed in the Constitution of this country, it is an opportunity for us to assess the credentials of those very same people who are coming here. It is an opportunity for us to say, "Yes, your credentials are valid," or, "You will be required to do some additional study, which you can start while you're there." The time is not going to be wasted for these very valuable new citizens.

We have to give them that reasonable expectation. It is absolutely false and wrong on our part as a government to invite people into this country and then not recognize them and force them either into jobs they don't want—to uproot them from countries and they come with false expectations. It is our responsibility. It is our responsibility to be realistic, and part of that goes to this government's responsibility to help to choose the immigrants.

Of all the provinces and territories in Canada, it is only Ontario that has not signed the immigration accord, and that is why we get less money for things like helping new immigrants. We get less money than the province of Quebec per capita, because they have signed the accord and because they have a grid system. We get less money than Manitoba on a per capita basis, less money than Prince Edward Island on a per capita basis.

We need to be players. It is not enough simply to pass this bill. It is up to the government or any new government after the next election to seize the opportunity for our citizens. We need to help those citizens, but we also need to help Ontario. It is incumbent upon us, all members of this House, to do that which will help the economy of this province. The economy of this province is reliant upon new people coming into Ontario. As this province ages, as the people get older, as the baby boomers work their way through the system, as I am doing now here today, as we work our way through the

system, increasingly we will require immigration to this province to maintain the standards that we have set. There are not enough children to even replace the boomers today, and we are going to increasingly have to rely on people from other countries who see this country and this province for the truly magnificent opportunity it is. We will need them. They will need us. We need to work together.

It is an honour to stand here today and to speak about this bill. We in the New Democratic Party will be supporting this bill here in the Legislature today, but we put all of you and ourselves as well on notice that more needs to be done. We need to be a player, we need to be a part, we need to help, and we are intent on doing that so that the people who are here in this gallery today—and I see many upstairs in here—will know that their credentials are recognized, that we welcome them as new Canadians, that we welcome them into the fabric of this society, that they have an important role to play with us and for us, and that this bill will be a part of it and in the future we'll do much more.

Interjection.

The Acting Speaker: We'd just like to remind those in the galleries that we really appreciate your being here with us this morning, but we cannot have any participation, and that includes applause and other such displays of—how should we say it?

Interjection: Emotion.

The Acting Speaker: Emotion—yes, that's a good one.

Ms Marilyn Mushinski (Scarborough Centre): I'm particularly pleased to have this opportunity to join this debate on Bill 189, not just because as an immigrant or a member of the Scarborough community for the last 35 years, but also as a member of this government, I believe that ensuring Ontario has a highly skilled workforce that's needed to attract jobs and investment is an absolute top priority for our government.

We know, for example, that access to jobs for internationally trained immigrants is a key to a strong economy. I don't think there's any question that this province has gone from being one of the worst economies seven years ago to now, seven years later, being the first economy and the best economy. We absolutely understand that a highly skilled workforce that is diverse contributes greatly to that.

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We are working to ensure recognition of prior education, skills and training to help skilled newcomers enter the labour force quickly and contribute to the economy. An important part of this goal is to ensure that Ontario attracts the world's best and brightest. We want the world to see our province as the prime destination point for people looking for opportunity. Certainly that was one of the reasons why I immigrated to this great land over 35 years ago.

Our goal is to build partnerships to make Ontario the best place to live, work and raise a family, as you've already heard from my colleague Mr Dunlop. The gov-

ernment cannot accomplish this goal alone; we know that. It's important that we work together and gather the best advice and input from external agencies—some of whose representatives I know are here today—and organizations that have first-hand knowledge of their industries. I would suggest that in my own riding of Scarborough Centre we have those industries, Berg Chilling, for example, which truly understand that their workforce must represent and reflect the community they serve.

Our approach to achieving this goal is to continue to develop long-term partnerships that will promote the recognition of the qualifications of internationally trained professionals and tradespeople and ensure their participation in our economy as quickly as possible. However, we must also maintain high standards of quality and safety—this should not be understated—promoted by occupational regulatory bodies that Ontarians have come to expect and deserve.

There's no easy solution to this situation. No one group or organization can have all the answers to help people who have learned in different educational systems or trained under different regulatory regimes match their skills to Ontario needs. There can be no one-size-fits-all solution. We also recognize that no one organization can do it alone.

That's why we have built strong partnerships, based on respect and understanding, with occupational regulatory bodies, educational institutions, employers, community agencies serving immigrants, other government agencies and other governments as well. This approach has resulted in significant achievements to help the internationally trained quickly put their skills and training to work in Ontario.

Our government has allocated \$15.5 million to support innovative bridge training projects to help the internationally trained learn what they need to know to be licensed to work in industries that are facing strategic skills shortages. We help internationally trained professionals apply their skills and knowledge in Ontario as quickly as possible. We know that this approach is working. Bridge training has already been launched for nurses and pharmacists in Ontario.

I would like to go on, but I know I have a couple of other colleagues who wish to address this. So I'll stop now, other than to say that in principle we support Mr Ruprecht's bill. But we need to get more new Ontarians into the economy, into jobs for which they have international training, and we need a more fulsome discussion in order to achieve that.

Mr Dalton McGuinty (Leader of the Opposition): It gives me a great deal of pleasure to participate in this debate. I want to begin by congratulating my colleague Tony Ruprecht for the initiative he has taken in introducing this bill. You should know that this is hardly a one-off from Mr Ruprecht. Earlier, he had introduced a resolution which received all-party support.

I take it from the government members' comments just a few moments ago that there is support for this bill, and I am very, very pleased to hear that.

Fundamentally, what we're talking about here is something that goes to the core of certainly what we choose to stand for as Liberals: opportunity. In fact, there are three aspects of opportunity here. First of all, there is the opportunity for individuals who have been trained in other parts of the world to come here and to work at their highest level of training. We think that is a very worthwhile pursuit on the part of our province and our collective within this Legislature. We are facing—and this has been out there for quite some time now—some serious labour shortages in a variety of sectors. There are some 900,000 Ontarians today who can't get access, for example, to a family doctor.

We have a shared sense of responsibility here to ensure that all those new Canadians coming here—who have been trained, by the way, at the expense of taxpayers living in other jurisdictions. We are so focused sometimes on the brain drain that we do so at the expense of our perspective in terms of looking at the brain gain followed by the brain waste. We've got all kinds of people who have come here from different parts of the world who received training at the expense of taxpayers in other jurisdictions. This is a gift, and we're not capitalizing on this. We're not leveraging this tremendous asset.

With respect to our responsibility when it comes to opportunity for the individuals involved, it's important that they be able to work at their highest level and get that sense of satisfaction that comes when you put your head down on the pillow at night, knowing that you're making a contribution to your economy, you're a productive member of society and you're able to raise your family. I think that's important for new Canadians to be able to do.

With respect to opportunity for Ontarians, and families in particular, I just made reference to the fact that there are so many Ontarians, so many families who can't get a family doctor. We are depriving them of the opportunity to get a family doctor or some other kind of skilled worker and professional. We owe it to Ontario families to ensure that these people, our new Canadians, are being admitted to our trades and professions at the earliest possible opportunity.

The third aspect of opportunity here that is often overlooked is that this represents a wonderful opportunity to further strengthen our economy. In the knowledge economy, the most valuable commodity is the skilled worker. We have skilled workers arriving on our shores and we are not doing everything that we should be doing to capitalize on that potential economic productivity. So what we're talking about here is a win-win-win. It's a win for the new Canadians, to ensure that they can work at their highest capacity; it's a win for Ontario families, who can access the services that would be offered by these new Canadians; and it's a win for our economy, because these skills add significantly to our level of productivity.

We've had kind of an unwritten rule, and it's time to move beyond this. The unwritten rule was: "Come to

Canada. It is a land of opportunity and you will enjoy success here solely on the basis of hard work." But what we really said between the lines was: "The kids are going to find opportunity and you, the adults, are going to have to sit this one out." Well, in a just-in-time world we can't afford to do that any more. We need everybody at their best right away.

I have a son in first-year biology. He's thinking of becoming a doctor. Wonderful. I hope he makes it. But we're going to have to wait some 12 to 14 years for him. We can't wait 12 or 14 years for young people who are in first-year university today. On the other hand, we can get some of our skilled professionals—if I can stick with medicine, for instance—up to Ontario standards in, I don't know, some six to 18 months. So again, it's important that we recognize that things have changed. We owe it not only to our new Canadians but we owe it to ourselves to bring them up to speed as quickly as we can.

I urge government members to support this bill. I get the sense that they're about to do that. I want to conclude once again by thanking my caucus colleague Tony Ruprecht for his initiative and foresight in this matter.

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Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I am very pleased to be able to speak on Bill 189 with respect to the practice of occupations, professions and trades in Ontario. Certainly people who are qualified to be in these professions should be there. That goes without saying. Certainly I think this government has done a lot of work in this area in terms of creating more opportunities, having an economy in place that provides these opportunities.

That's what Ontario is about. It's the engine of this country in terms of getting those jobs out there. That's why there are opportunities. Let's recognize what's been done to create these opportunities. The bottom line is, we have to get people in those positions.

In 2001, almost 11,000 newcomers said they intended to work in the engineering profession. Our government has assumed a leadership role and for the first time in Canada is supporting a bridge training project, a project that has been designed for internationally trained engineers that will provide paid work experience, a key prerequisite for a professional licensing. Once implemented, this program will help about 150 internationally trained engineers each year. There are more programs and more consultation going on with respect to this issue.

I'm going to yield my time right now to the Minister of Citizenship. It's such an important issue and I think he's done a great job in this area. I fully support the bill, but we have to make sure it fits the needs of this province.

Mr Gerry Phillips (Scarborough-Agincourt): As my leader, Dalton McGuinty, did, I also wanted to compliment my colleague Tony Ruprecht, who's been absolutely relentless on this issue.

I just say that our economy, as my leader pointed out, depends on our ability to attract people to move from

other countries to Ontario. Two years ago, the Ministry of Finance did a study that not many people are aware of that showed in three different "scenarios," as they called them, that without immigration our population in Ontario declines. We won't need to build any more houses because we'll have enough houses. Without immigration—

Interjection.

Mr Phillips: Mr Guzzo may choose to criticize in front of these people, but I'm just saying that the Ministry of Finance study shows that without immigration our population will decline and our economy will suffer dramatically. We need to have immigrants coming to this province and we need to continue to have skilled immigrants wanting to move to Ontario.

I remember meeting with the Speaker of the Michigan state legislature, who said their economic office role used to be to attract business to come to Michigan. Three years ago, they changed the role from attracting business to attracting workers to come to Michigan. That's the single biggest inhibitor of economic growth in the state of Michigan. I said to the Speaker, "We're very fortunate here in Ontario. We're able to attract talented people from around the world to come to Ontario."

But that won't continue unless we take steps. I happen to think we need to take steps and make some investment in the areas of settlement services and English as a second language so people feel at home and welcome here. Believe me, if we don't do that, our economy will suffer dramatically. But this particular one of making sure people who have acquired their skills and talents in other countries are able to use them here in Ontario is a cornerstone.

Eleven years ago, a major study was done on this, pointing out all the barriers, and virtually nothing's happened in 11 years. I sat with a person from Kitchener who has a self-help group involving 51 foreign-trained physicians who cannot practise in Kitchener. The member will know Kitchener has a doctor shortage, and 51 foreign-trained physicians live in Kitchener and cannot practise. So 11 years after this huge study was done showing all of the barriers, we still find very little action has taken place, and it's wrong. We're making a huge mistake.

I often talk to the consular corps here, consul generals from around the world, and they will tell you that talented people are hesitating to come to Canada and Ontario because when they get here—and they know their friends have come here—they're not able to practise the experience and talent they've got because we have these, in many cases, artificial barriers.

We can talk all we want about the tiny steps we've taken, but the proof is in what's happened to all of these people who still can't practise, whether it be doctors—51 foreign-trained physicians in Kitchener alone. We just absolutely have to take substantial steps. I argue it on the basis of economics, as my leader did. I happen to be our finance critic, so that's the area my leader asked me to comment on. Our economy depends fundamentally on

our ability to continue to attract people from around the world to want to come to Canada and Ontario.

Without this step, believe me, other countries are now aggressively searching out talented people to move there. I talked to the Consul General of India who tells me that computer people in India are being attracted to California in large numbers. We have to make sure those people think, believe and know that Ontario is a place where they are at home and welcome. I compliment my relentless friend Dr Tony Ruprecht who has fought this issue for years and years, and I support his bill.

Hon Carl DeFaria (Minister of Citizenship, minister responsible for seniors): I have about a minute to speak on this. I want to welcome my friends who are here in the gallery, people I have worked with in the diverse communities of Ontario for many years. I want to tell you today that even though Bill 189 is too late and too flawed, I will be supporting this bill in principle because our government in fact has been acting on this issue.

The reason the bill is too late is that the Liberal government was here in 1985-87 and did nothing about this issue. The NDP government was here in 1990-95 and did nothing about this issue. There were foreign-trained professionals in Ontario in 1987 and in 1990-95, and those people did nothing while in government. It's flawed because section 2 would, for example, force the Ontario government to allow a lawyer who is licensed in Timbuktu to practise in Ontario automatically. Even though the legal system may be excellent in Timbuktu, it may not be—

The Acting Speaker: Thank you. Response.

Mr Ruprecht: I would like to thank my colleagues for their support, and I also want to thank the government benches for their support. But I'm astounded, and do you know why? We've heard these promises before. We've had the Minister of Training, Colleges and Universities, we've had every Minister of Citizenship from Ms Mushinski to Isabel Bassett, and now this minister comes up and says to us, "This bill is too late. Oh my God, this bill is too late." Where have you been, Minister? This is not too late.

What are you going to say to Dr Golubka, who is here right now. He's been here three years. Is this bill too late for him? He has practised in the Ukraine for 15 years. Is this bill too late? What about Dr Martinez, a veterinarian? He came from Israel. He practised there and in Europe. Is this bill too late for him? How about Ms Biese, who is here as a physiotherapist from Germany? She's been here for three years and can't practise. Is this bill too late for her? How about Ifad Karim, an engineer with 18 years' experience, in Canada six years and unable to practise. Is this bill too late for him?

It's too late for you if you don't get up and do something about it. So you know what I would recommend? If you are unable to do anything, move aside and let a McGuinty government take over and do something about it. That's what you should be doing. It's too late for you, my friend.

It's quite obvious what is happening here. You can see already that they want to support this bill but want to hide

their faces at the same time and do nothing about it. They wish this bill would die, but this bill is not going to die; it's never going to die. Do you know why? Because more immigrants are coming; more immigrants are pushing the door down. You're holding the door shut and I'm asking you, open the door now, and if you can't do it, move aside and let a McGuinty government take over so we will do what we promised to do. In fact, our leader has said that if, in one year after we take over, this isn't done there will be hell to pay. We made that promise, we'll keep that promise and we're asking you to step aside.

The Acting Speaker: This completes the time allocated for debate.

LONG-TERM CARE

The Acting Speaker (Mr Michael A. Brown): I will now deal with ballot item 67. Mrs McLeod has moved private member's notice of motion 18.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

We will vote after dealing with ballot item number 68.

REMOVAL OF OCCUPATIONAL BARRIERS ACT, 2002

LOI DE 2002 SUR L'ÉLIMINATION DES OBSTACLES PROFESSIONNELS

The Acting Speaker (Mr Michael A. Brown): Mr Ruprecht has moved second reading of Bill 189.

Is it the pleasure of the House that the motion carry? Carried.

Applause.

Mr Tony Ruprecht (Davenport): On a point of order, Mr Speaker: All these congratulatory comments of course are accepted, but at the same time I'd like to move that we place this bill before the public accounts committee.

The Acting Speaker: Mr Ruprecht has asked that this bill be referred to the public accounts committee. Agreed? Agreed.

LONG-TERM CARE

The Acting Speaker (Mr Michael A. Brown): We'll now deal with ballot item number 67. Call in the members. This will be a five-minute bell.

The division bells rang from 1201 to 1206.

The Acting Speaker: Would all those in favour please stand and remain standing until your name is called?

Ayes

Agostino, Dominic	Curling, Alvin	McGuinty, Dalton
Bartolucci, Rick	Di Cocco, Caroline	McLeod, Lyn
Bisson, Gilles	Dombrowsky, Leona	McMeekin, Ted
Bountrogianni, Marie	Duncan, Dwight	Parsons, Ernie

Boyer, Claudette
Bradley, James J.
Bryant, Michael
Caplan, David
Christopherson, David
Churley, Marilyn
Cleary, John C.
Colle, Mike
Conway, Sean G.
Cordiano, Joseph
Crozier, Bruce

Gerretsen, John
Gravelle, Michael
Hastings, John
Kennedy, Gerard
Kormos, Peter
Kwinter, Monte
Lalonde, Jean-Marc
Levac, David
Marland, Margaret
Martel, Shelley
Martin, Tony

Patten, Richard
Peters, Steve
Phillips, Gerry
Prue, Michael
Pupatello, Sandra
Ramsay, David
Ruprecht, Tony
Sergio, Mario
Smitherman, George
Sorbara, Greg

The Acting Speaker: All those opposed will please stand and remain standing until your name is called.

Nays

Amott, Ted
Baird, John R.
Barrett, Toby
Beaubien, Marcel
Chudleigh, Ted
Clark, Brad
Coburn, Brian
Cunningham, Dianne
DeFaria, Carl
Dunlop, Garfield
Ecker, Janet
Galt, Doug
Gilchrist, Steve
Gill, Raminder

Guzzo, Garry J.
Hardeman, Ernie
Hodgson, Chris
Hudak, Tim
Johns, Helen
Johnson, Bert
Kells, Morley
Klees, Frank
Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank
McDonald, AL
Munro, Julia
Mushinski, Marilyn

Newman, Dan
O'Toole, John
Ouellette, Jerry J.
Runciman, Robert W.
Sampson, Rob
Spina, Joseph
Stockwell, Chris
Tascona, Joseph N.
Tsubouchi, David H.
Turnbull, David
Wettlaufer, Wayne
Witmer, Elizabeth
Wood, Bob
Young, David

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 44; the nays are 42.

The Acting Speaker: I declare the motion carried.

All matters relating to private members' public business now being complete, this House stands adjourned until 1:30 of the clock.

The House recessed from 1210 to 1330.

MEMBERS' STATEMENTS

MENTAL HEALTH SERVICES

Mrs Sandra Pupatello (Windsor West): Today I am very pleased to produce a series that was created by the Windsor Star, our local newspaper. It is a series about mental health. What I'll be doing with this series, which they kindly reproduced because of the significant demand, is distribute it to every member in this House. Moreover, we'll be sending a copy of this series to every agency that deals with mental health issues in Ontario. The series was produced by Veronique Mandal, assisted by Marty Beneteau. It is a tremendous record of the issues in mental health that individuals and families must deal with.

I just want to give you a little bit of information about it. It was a six-month investigation. It dealt with several issues in the mental health area including: "Fortresses of Fear"—as they were described; "the Killing of Percy Demers"—a wonderful doctor who died in our area; "Whose Life is it Anyway?"; "The Insanity Defence"; "The Doctor is Out"; "Mapping the Brain"; and, finally, "Hope for the Future". There were seven parts to this. If

people would just take the time to read, it would be a tremendous education for all of us, even those who may not follow this issue every day. It will be helpful to governments of all levels to understand the significance of this disease creates and the impact it has on our families in this province.

Thank you for the opportunity. Please, members in this House, look forward to receiving your copy of this. Please call us. Visit our Web page, if you can't get a series or a copy. Please contact pupatello.on.ca or daltonmcguinty.com to access any of us, and we'll certainly see that we get you the series.

JERMAIN AND KEVIN EBANKS

Ms Marilyn Mushinski (Scarborough Centre): I rise today to speak of the deep sense of personal sadness I felt when attending the funeral of Jermain Ebanks and Kevin Ebanks in my riding of Scarborough Centre this past Tuesday. This is the kind of event that an MPP wishes she did not ever have to attend, but I wanted to be there to show my solidarity with the Ebanks family and the larger community. We are all shocked at the terrible news of the violent deaths of two young members of the Scarborough community. Jermain was only 17; his brother Kevin was 21. Both had their lives ahead of them. Both as an MPP and as a mother, I want to reiterate publicly my personal condolences to Mr and Mrs Ebanks. I recognize that words can never express the sorrow we all feel at this enormous loss, but we must bear in mind that despite this tragedy we live, for the most part, in a caring and loving community. A genuine sense of community and solidarity was present at the funeral. People attended to pay their respects, support the family and call for an end to violence in our city.

At this point I understand that the culprits have yet to be apprehended. I would like to speak to the larger community and ask that anyone with information come forward to the authorities.

HYDRO RATES

Mr Mario Sergio (York West): I want to address my remarks directly to the Premier, because everybody saw it coming except the government. The storm, unfortunately, did not miss us. Skyrocketing hydro bills are affecting everyone: seniors, farmers, small, medium and large businesses, tenants—many tenants are being hit twice, very hard.

Let me give you some correspondence that I have received from seniors in my particular area. These are seniors who are living on one pension, in a small house. Their last bill was \$378, up from \$199. They want to know from me, they want to know from you, Premier, from your government, how they are going to manage this exorbitant bill on a monthly basis. They are not the only ones. There are so many others who come to us with the same situation. We have businesses. I have a couple,

a husband and wife, who have a small business. They have a small restaurant. From \$800 to \$2,300—they want to know from me, how many more spaghetti plates they have to sell to make up the increase from this government. So they are asking for a solution, some action, and they want action now.

Mr Peter Kormos (Niagara Centre): A small business, Dominic's Resto-Bar, down in the very north end of Thorold, is a well-established, successful and very popular restaurant with patrons from across the Niagara region. In fact, they employ 45 staff. But Heather Fasullo, who owns Dominic's Resto-Bar tells me that her hydro bill for the last two months was \$6,400, up from \$2,400 last year—a \$4,000 increase. She explains to me with great regret that the only way she can contain that cost is by laying off staff. She can't raise the prices of food; the market simply isn't there. In fact, if staff layoffs won't suffice, she's even contemplating shutting down that business.

Dominic's Resto-Bar and other small businesses like it don't need a rebate that will help them for but one month. What about the other 11 months of the year? They don't need a freeze on rates that are already sky-high and unaffordable. Dominic's Resto-Bar and other small businesses like it, like individual residential payers across Niagara and this province, need a restoration of regulated public hydro, the very sort of policy that New Democrats have been fighting for in their opposition to the Tory-Liberal agenda of privatizing and deregulating hydro with its sky-high hydro rates.

VETERANS

Mr AL McDonald (Nipissing): Today I rise before the House to pay respect to all the brave men and women who made the ultimate sacrifice in an effort to secure our independence. They lived, they loved and they lost.

I am standing here today to say thank you to all the veterans who are with us today and to the soldiers who were lost in the wars of years gone by. We have not forgotten. Today I wish to reflect on and remember the efforts of those who fought for our freedom.

I look around the House today, and I see many a red poppy on the suits of the MPPs of this great province of Ontario. I can only imagine what the author of Flanders Fields, Mr John McCrae, must have seen when he decided to write that poem.

As the son of a lieutenant colonel, he saw first-hand the brutality that war brought upon those fighting. He, himself, lost many a good friend and fellow soldier to war. Mr McCrae never wanted this terrible hardship to be forgotten. Canadians have participated in major wars. Let us not forget our valiant efforts in battle at Vimy Ridge and Dieppe.

Furthermore, Canadian women played a vital role during the Second World War, with over 45,000 contributing directly to the war effort.

My dad served in the military for 25 years, and my grandfather served in World War II as a motorcycle

dispatcher. Thank you to all who risked their lives so we might live in a country of freedom and opportunity. I am proud to be a Canadian.

HYDRO RATES

Mr Michael Gravelle (Thunder Bay-Superior North): If there was any doubt in Premier Eves's mind as to whether soaring hydro costs are hurting people in my riding, let me clear up that confusion today. Hydro bills, which are double what they were this time last year, are leaving many people, particularly those on fixed incomes, with increasingly desperate choices to make.

Perhaps the saddest story came from a widowed constituent who told my office that with her rent and her hydro bill she had nothing left to buy food for the rest of the month. This is unacceptable. The government must step in.

Then we have the impact this is having on our vital public services. In the first six months of this fiscal year, Thunder Bay Regional Hospital has already paid an amount equal to their total bill last year. Will Mr Eves pay for those increased costs or will hospital services have to suffer?

The bill for the Thunder Bay Catholic school board has almost doubled. Lakehead University's projections are that their bill will increase by \$600,000. What about the many small businesses in my riding struggling to stay open under these increased costs?

In the municipality of Greenstone, the costs for their daycare went up by 44% for September. Roy Sinclair, the CAO of Greenstone, told me earlier this week that their new hydro bill had just arrived and, frankly, he was too scared to open it.

Premier, your energy policy is an unmitigated disaster. The people of Ontario, including my constituents, are now paying for the mess you've gotten us into. Use the record profits from OPG for a rebate now and eliminate the GST on your debt retirement charge—we should never have been paying it.

I encourage all my constituents to sign the petition we are presently circulating, a petition which is available in all municipal offices throughout my riding. Premier Eves and this government cannot be allowed to wait any longer to provide relief to those desperately in need of help. It is our job to make sure he gets that message.

1340

TAKE OUR KIDS TO WORK DAY

Mr Bart Maves (Niagara Falls): Yesterday students from my riding and from ridings all across the province took part in the Learning Partnership's Take Our Kids To Work Day job-shadowing experience.

I had the wonderful opportunity of visiting with 20 grade 9 students from Kernahan Park high school yesterday who participated in a tour of the new provincial casino site currently under construction in Niagara Falls.

Students were taken around the perimeter of the casino site and were informed of the many construction skilled trades opportunities that were created with the announcement of the new casino. It is an \$800-million project, equivalent to the construction of three Air Canada Centres.

Although, for safety reasons, students were not permitted to visit the site directly, on the top floor of the Hilton hotel overlooking the construction site, students were provided with an overview of the different aspects of construction underway.

When speaking to these students yesterday, I stressed how important and valuable construction trade skills and skills in the tourism industry are to today's labour market, especially in Niagara. There are many exciting careers to be experienced in skilled trades, and I believe yesterday's event provided students with some options to consider for their plans for the future.

Many thanks to their teacher Larry Downes from Kernahan Park high school, as well as Barry Reynolds, general superintendent for PCL, the builders of the new casino, and Judy Reid from the business education council for their involvement in yesterday's excellent and worthwhile event.

MINISTER OF NORTHERN DEVELOPMENT AND MINES

Mr Rick Bartolucci (Sudbury): The Minister of Northern Development and Mines has committed another blunder. This time he has insulted all northerners by calling them fat. Let me quote from the Manitoulin Recorder: "Mr Wilson said that after all the dinners and functions he had attended in the past seven months he was also beginning to look like a northerner as well. 'I have gained 20 pounds,' he said."

For a member of this Legislature to suggest all northerners are overweight is unbelievable. From the supposed minister for northern Ontario, such an insult is unforgivable. This type of regional stereotyping or whatever you want to call it is just plain wrong in this day and age.

Minister Wilson should know better. Public servants in the north and across the province are already ill at ease with this hot-headed minister, who said only a few weeks ago that he would fire all employees of his ministry who are not card-carrying Tories. We question the judgment and the ability of this minister.

The fact is that Minister Wilson has failed the north. He has done nothing to address the inequity of the northern health travel grant. He has done nothing to stop the carnage along Highway 69. He has done nothing to protect jobs at the ONTC.

Worst of all, Jim Wilson, as former energy minister, along with Ernie Eves, has completely bungled Hydro, leading to skyrocketing bills. Another apology is not in order from this minister. His resignation is.

REMEMBRANCE DAY

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I rise today to pay tribute to the Canadian war veterans who fought so bravely and gave so much to preserve our freedoms.

Remembrance Day, celebrated on the 11th hour of the 11th day of the 11th month, is of special significance whether we are immigrants or 10th-generation Canadians.

Canada and the world we know today would not be possible without the courage, valour and sacrifice of our veterans. The two world wars truly shaped Canada, yet today too few students and adults are being taught about our proud military history. A poll conducted this past April found that 57% of Canadians could identify In Flanders Fields as Canada's most famous war poem, but only one third, or 36%, could identify Vimy Ridge as the battle that captured a key ridge on the western front.

Teaching Canadian history must include in-depth analysis of our military's role in the great wars. The sacrifices made should not be forgotten or simply brushed aside. On Remembrance Day, all Canadians pause to reflect and we remember those young soldiers numbering in the tens of thousands who never returned home. On behalf of the veterans in my riding, I would like to urge all parents and students to join in our local Remembrance Day services this Sunday in the Malton Arena. In Brampton, Remembrance Day services will be held on both Sunday and Monday at Brampton city hall.

On Remembrance Day, let us all personally remember and thank those who gave so much to preserve the freedoms we all enjoy today.

VISITORS

Mr Dave Levac (Brant): On a point of order, Mr Speaker: I'd like to acknowledge in the west gallery today, led by Patrick Fry-Smith, vice-president of Local 201, Hamilton Central Ambulance Communications Centre, all of the members who have joined us today to educate the members of this House and others about the concerns they have about dispatch in Hamilton. So I'm glad that they're here and I hope everyone is listening carefully.

As well, I know the members on the other side will recognize on their side of the gallery a good friend of mine, Mr Ron Johnson, a former member and MPP for Brantford.

The Speaker (Hon Gary Carr): I thank the member. Mr Johnson was a member for Brantford in the 36th Parliament. We welcome our colleague.

LEGISLATIVE PAGES

The Speaker (Hon Gary Carr): On behalf of the members of the Legislature and myself, I'd like to thank our pages for their help over these past few weeks. It has been a pleasure to know you. It is their last day. I would

like to wish each and every one of you success in all your future endeavours.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON
PUBLIC ACCOUNTS

Mr John Gerretsen (Kingston and the Islands): I beg leave to present the report on the Ontario innovation trust fund from the standing committee on public accounts and move the adoption of its recommendations. I'm handing it to Matthew here.

The Speaker (Hon Gary Carr): Does the member wish to make a brief statement?

Mr Gerretsen: There are three recommendations in the report that specifically state that any act respecting the accountability of public sector organizations should apply to the Ontario innovation trust fund and that the Provincial Auditor should be appointed as the trust auditor. The last recommendation states that should the government continue with the creation of trusts, it should ensure that the proper accountability mechanisms to the Legislature form part of the trust agreement and that the accounting should meet PSAB accounting rules. I might note that there's a dissenting opinion which specifically states that the innovation trust should also be subject to the PSAB rules of public accounting.

With that, I move adoption of the report and adjournment of the debate.

The Speaker: Mr Gerretsen has moved adjournment of the debate. Is it the pleasure of the House that the motion carry? Carried.

VISITORS

The Speaker (Hon Gary Carr): We have with us today in the Speaker's gallery a delegation from the National Assembly of Quebec. They're in Toronto to attend the 13th general assembly of the Ontario-Quebec Parliamentary Association. Please join me in welcoming our honoured special guests. Hopefully we will set up the next hockey game with them.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): To my friends from Quebec, we're looking for our trophy back.

MOTIONS

COMMITTEE SITTINGS

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move that until December 12, 2002, the standing committee on general government, the standing committee on finance and economic affairs and the standing committee on justice and social policy be authorized to meet at times in

addition to their regularly scheduled meeting times at the call of the Chair for the purpose of considering government bills.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): On a point of order, Mr Speaker: I believe we have unanimous consent to do a statement on Wife Assault Prevention Month.

Mr Dwight Duncan (Windsor-St Clair): Deferred votes first.

The Speaker: We would like to do the deferred votes first.

Hon Mr Stockwell: Mr Speaker, may I seek unanimous consent to do votes first?

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: I am seeking unanimous consent for the proposition that the deferred votes for third reading of Bill 60, victim empowerment, and Bill 148, emergency measures, notwithstanding that they were ordered deferred as recorded votes, be voice votes.

The Speaker: Unanimous consent? Agreed? Agreed.

DEFERRED VOTES

VICTIM EMPOWERMENT ACT, 2002

LOI DE 2002 SUR L'HABILITATION DES VICTIMES

Deferred vote on the motion for third reading of Bill 60, An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act / Projet de loi 60, Loi visant à accroître le rôle des victimes aux audiences de libération conditionnelle et à responsabiliser les délinquants à l'égard de leurs actes, prévoyant des normes relatives à la toilette des détenus et apportant d'autres modifications à la Loi sur le ministère des Services correctionnels.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

EMERGENCY READINESS ACT, 2002

LOI DE 2002 SUR L'ÉTAT DE PRÉPARATION AUX SITUATIONS D'URGENCE

Deferred vote on the motion for third reading of Bill 148, An Act to provide for declarations of death in certain circumstances and to amend the Emergency Plans Act / Projet de loi 148, Loi prévoyant la déclaration de décès dans certaines circonstances et modifiant la Loi sur les mesures d'urgence.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On a point of order, Mr Speaker: I seek unanimous consent for the division bells to ring once for the purpose of calling the members in once for the purpose of voting on Bills 175 and 179, and that the bells ring again to call the members again for the division on Bill 181, and that the bells ring again to call the members again for the division on Bill 187.

The Speaker: Agreed? Agreed.

SUSTAINABLE WATER AND SEWAGE SYSTEMS ACT, 2002

LOI DE 2002 SUR LA DURABILITÉ DES RÉSEAUX D'EAU ET D'ÉGOUTS

Deferred vote on the motion for second reading of Bill 175, An Act respecting the cost of water and waste water services / Projet de loi 175, Loi concernant le coût des services d'approvisionnement en eau et des services relatifs aux eaux usées.

The Speaker (Hon Gary Carr): Call in the members. This will be a five-minute bell.

The division bells rang from 1353 to 1358.

The Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Gill, Raminder	Molinari, Tina R.
Baird, John R.	Guzzo, Garry J.	Mushinski, Marilyn
Barrett, Toby	Hardeman, Ernie	Newman, Dan
Beaubien, Marcel	Hastings, John	O'Toole, John
Chudleigh, Ted	Hodgson, Chris	Ouellette, Jerry J.
Clark, Brad	Hudak, Tim	Runciman, Robert W.
Clement, Tony	Jackson, Cameron	Sampson, Rob
Coburn, Brian	Johns, Helen	Spina, Joseph
Cunningham, Dianne	Johnson, Bert	Stockwell, Chris
DeFaria, Carl	Kells, Morley	Tascona, Joseph N.
Dunlop, Garfield	Klees, Frank	Tsubouchi, David H.
Ecker, Janet	Marland, Margaret	Tumbull, David
Elliott, Brenda	Martiniuk, Gerry	Wettlaufer, Wayne
Flaherty, Jim	Maves, Bart	Witmer, Elizabeth
Galt, Doug	Mazzilli, Frank	Wood, Bob
Gilchrist, Steve	McDonald, AL	Young, David

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Curling, Alvin	Martin, Tony
Bartolucci, Rick	Di Cocco, Caroline	McLeod, Lyn
Bisson, Gilles	Duncan, Dwight	McMeekin, Ted
Bountrogianni, Marie	Gerretsen, John	Parsons, Ernie
Boyer, Claudette	Gravelle, Michael	Peters, Steve
Bradley, James J.	Hampton, Howard	Phillips, Gerry
Brown, Michael A.	Hoy, Pat	Prue, Michael
Bryant, Michael	Kennedy, Gerard	Pupatello, Sandra
Caplan, David	Kormos, Peter	Ramsay, David
Churley, Manlynn	Kwinter, Monte	Ruprecht, Tony
Colle, Mike	Lalonde, Jean-Marc	Sergio, Mario
Conway, Sean G.	Levac, David	Smitherman, George
Cordiano, Joseph	Marchese, Rosario	
Crozier, Bruce	Marfel, Shelley	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 48; the nays are 40.

The Speaker: I declare the motion carried.

Pursuant to the order of the House dated November 4, 2002, this bill is ordered referred to the standing committee on general government.

GOVERNMENT EFFICIENCY ACT, 2002

LOI DE 2002 SUR

L'EFFICIENCE DU GOUVERNEMENT

Deferred vote on the motion for second reading of Bill 179, An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts and by enacting one new Act / Projet de loi 179, Loi visant à favoriser l'efficacité du gouvernement et à améliorer les services aux contribuables en modifiant ou en abrogeant certaines lois et en édictant une nouvelle loi.

Interjection: Same vote.

The Speaker (Hon Gary Carr): Same vote? Same vote.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 48; the nays are 40.

The Speaker: I declare the motion carried.

Pursuant to the order of the House dated October 28, 2002, the bill is ordered referred to the standing committee on justice and social policy.

LEGAL AID SERVICES AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI SUR LES SERVICES D'AIDE JURIDIQUE

Deferred vote on the motion for second reading of Bill 181, An Act to amend the Legal Aid Services Act, 1998 / Projet de loi 181, Loi modifiant la Loi de 1998 sur les services d'aide juridique.

The Speaker (Hon Gary Carr): Call in the members. This will be a five-minute bell.

The division bells rang from 1402 to 1407.

The Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Gilchrist, Steve	Molinari, Tina R.
Baird, John R.	Gill, Raminder	Mushinski, Marilyn
Barrett, Toby	Hardeman, Ernie	Newman, Dan
Beaubien, Marcel	Hodgson, Chris	O'Toole, John
Chudleigh, Ted	Hudak, Tim	Ouellette, Jerry J.
Clark, Brad	Jackson, Cameron	Runciman, Robert W.
Clement, Tony	Johns, Helen	Sampson, Rob
Coburn, Brian	Johnson, Bert	Spina, Joseph
Cunningham, Dianne	Kells, Morley	Stockwell, Chris
DeFaria, Carl	Klees, Frank	Tascona, Joseph N.
Dunlop, Garfield	Marland, Margaret	Tsubouchi, David H.
Ecker, Janet	Martiniuk, Gerry	Turnbull, David
Elliott, Brenda	Maves, Bart	Wettlaufer, Wayne
Flaherty, Jim	Mazzilli, Frank	Witmer, Elizabeth
Galt, Doug	McDonald, AL	Young, David

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Curling, Alvin	Martin, Tony
Bartolucci, Rick	Di Cocco, Caroline	McLeod, Lyn
Bisson, Gilles	Duncan, Dwight	McMeekin, Ted
Bountrogianni, Marie	Gerretsen, John	Parsons, Ernie
Boyer, Claudette	Gravelle, Michael	Peters, Steve
Bradley, James J.	Hampton, Howard	Phillips, Gerry
Brown, Michael A.	Hoy, Pat	Prue, Michael
Bryant, Michael	Kennedy, Gerard	Pupatello, Sandra
Caplan, David	Kormos, Peter	Ramsay, David
Churley, Marilyn	Kwinter, Monte	Ruprecht, Tony
Colle, Mike	Lalonde, Jean-Marc	Sergio, Mario
Conway, Sean G.	Levac, David	Smitherman, George
Cordiano, Joseph	Marchese, Rosario	
Crozier, Bruce	Martel, Shelley	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 45; the nays are 40.

The Speaker: I declare the motion carried.

Pursuant to the order of the House dated October 21, 2002, this bill is ordered referred to the standing committee on justice and social policy.

AGRICULTURAL EMPLOYEES PROTECTION ACT, 2002

LOI DE 2002 SUR LA PROTECTION DES EMPLOYÉS AGRICOLES

Deferred vote on the motion for second reading of Bill 187, An Act to protect the rights of agricultural employees / Projet de loi 187, Loi visant à protéger les droits des employés agricoles.

The Speaker (Hon Gary Carr): Call in the members; this will be a five-minute bell.

The division bells rang from 1410 to 1415.

The Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Elliott, Brenda	McLeod, Lyn
Arnott, Ted	Flaherty, Jim	McMeekin, Ted
Baird, John R.	Galt, Doug	Molinari, Tina R.
Barrett, Toby	Gerretsen, John	Mushinski, Marilyn
Beaubien, Marcel	Gilchrist, Steve	Newman, Dan
Bountrogianni, Marie	Gill, Raminder	O'Toole, John
Boyer, Claudette	Guzzo, Garry J.	Ouellette, Jerry J.
Bradley, James J.	Hardeman, Ernie	Patten, Richard
Brown, Michael A.	Hastings, John	Peters, Steve
Bryant, Michael	Hodgson, Chris	Phillips, Gerry
Caplan, David	Hoy, Pat	Pupatello, Sandra
Chudleigh, Ted	Hudak, Tim	Ramsay, David
Clark, Brad	Jackson, Cameron	Runciman, Robert W.
Clement, Tony	Johns, Helen	Ruprecht, Tony
Coburn, Brian	Johnson, Bert	Sampson, Rob
Colle, Mike	Kells, Morley	Sergio, Mario
Conway, Sean G.	Kennedy, Gerard	Smitherman, George
Cordiano, Joseph	Klees, Frank	Spina, Joseph
Crozier, Bruce	Kwinter, Monte	Stockwell, Chris
Cunningham, Dianne	Lalonde, Jean-Marc	Tascona, Joseph N.
Curling, Alvin	Levac, David	Tsubouchi, David H.
DeFaria, Carl	Marland, Margaret	Turnbull, David
Di Cocco, Caroline	Martiniuk, Gerry	Wettlaufer, Wayne
Duncan, Dwight	Maves, Bart	Witmer, Elizabeth
Dunlop, Garfield	Mazzilli, Frank	Wood, Bob
Ecker, Janet	McDonald, AL	Young, David

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Bisson, Gilles
Churley, Marilyn
Hampton, Howard

Kormos, Peter
Marchese, Rosario
Martel, Shelley

Martin, Tony
Prue, Michael

Clerk of the House: The ayes are 78; the nays are 8.

The Speaker: I declare the motion carried.

Pursuant to the order of the House dated October 30, 2002, this bill is ordered for third reading.

VISITORS

Hon Tim Hudak (Minister of Consumer and Business Services): On a point of order, Mr Speaker: I would like to call to the attention of members of the House our guests from Port Colborne, Fort Erie, Wainfleet and Dunnville, and one of the prized institutions in Niagara, Lakeshore Catholic High School.

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: I ask this House to join me in congratulating Kalaneet Malikk, and also welcoming her father, Israel Malik, and her sister, Seegalleet Malik, both visiting today from Pelham.

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): On a point of order, Mr Speaker: I believe we have unanimous consent for a statement on wife assault month and a statement on Remembrance Day.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Yes. We have consent that we limit those statements to five minutes per statement per party.

Mr Kormos: On a point of order, Mr Speaker: Per issue.

The Speaker (Hon Gary Carr): Five minutes on each issue. Is there unanimous consent? Agreed.

The minister, to begin.

1420

WIFE ASSAULT PREVENTION MONTH

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): November is Wife Assault Prevention Month in Ontario. Wife Assault Prevention Month is an opportunity to remind all of us that wife assault is a crime and that we must work together to stop the violence.

Our government is committed to helping end domestic violence. It is a commitment that is ongoing and unequivocal. We've made good progress in many areas. We are proud of the accomplishments of our agencies and committed individuals across nine ministries and thousands of committees who work together to prevent wife assault.

On September 5, 2002, we announced \$21.4 million, to be spent over three years, as another important step forward in the government's strategy to address domestic violence. This brings our commitment for this year to \$160 million. Funding to combat violence against women has increased by 70% since 1995.

As minister, I'm continuing to meet with provincial associations, experts and local agencies to get their best advice on the most effective way to implement specific domestic violence measures. What works? Where can we make improvements? What are your local priorities? We remain convinced that our continuing collaboration and our commitment to protection and prosecution, support for victims, prevention and education will help stop domestic violence.

While our government continues to improve supports and services for the victims of domestic violence, ministries, agencies and lawmakers alone cannot solve this problem. It is a challenge that we must all think of and tackle as a community. Because ending domestic violence is everyone's responsibility, this year we are highlighting the valuable role every Ontarian can play.

We are fortunate that there are Ontarians who are taking the initiative and making a difference when and where they can. We have three special guests with us today who are making their own contribution in different ways, and I would like to tell you their stories.

Ontario Provincial Police Sergeant David Rektor has worked as a volunteer, providing couples with valuable information about domestic violence at marriage preparation courses. In addition to his unique police perspective, he has what he calls a "real world" personal perspective, having lived through a relative's experience with abuse. By working with young couples, Sergeant Rektor is helping to stop domestic violence before it starts.

Rifka Khalilieh, representing the Body Shop Canada: since 1994, the Body Shop has promoted the STOP Violence Against Women campaign. I think most of us have noticed it and been part of it. Each year, they sponsor a series of events involving local dignitaries at every Body Shop location. With the help of customers and campaign partners, the Body Shop Canada has raised more than \$1 million for violence prevention and recovery programs. I'll introduce them all at the end.

Mona Walrond is a teacher who joined a team at the Elementary Teachers' Federation of Ontario to create Anti-Violence Against Women. This resource educates women teachers about what constitutes violence, how to identify potential abusers, understand the impact on children and benefit from community resources.

I would like to ask Sergeant Rektor, Rifka Khalilieh and Mona Walrond to please stand and be recognized and thanked by the members of this Legislative Assembly. It's our pleasure and our honour, of course, to be able to bring individuals like our three guests today to this Legislative Assembly and to thank them so much for their initiative and their role modelling in their own communities and throughout this great province.

I know that women and children of our province should not have to fear for their safety or their lives. I

encourage all Ontarians to play a part in making every home and every community across our great province safe places for all of our families. Wife Assault Prevention Month is a reminder that we have more to do together.

These three great citizens are to be commended. They have our pride and our honour.

Mrs Marie Bountrogianni (Hamilton Mountain): On behalf of the Liberal caucus and my leader, Dalton McGuinty, we also thank our special guests for their efforts in addressing domestic violence, and to all the people across this province who are battling this tragedy, we thank you.

Despite all our efforts in this country and province to address the tragedy of wife assault, the number of men accused of killing their wife or ex-wife rose by 33%, with most of the increase occurring in Ontario.

Sadly, nearly one quarter of women who have experienced wife assault never told anyone about the abuse. Some 75% of women who experience wife assault do not go to the police.

It is estimated that 80% of children of abused mothers have directly witnessed the abuse. I can tell you, as a child psychologist, that this leaves scars that are very difficult to erase. Serious behavioural problems are 17 times higher for boys and 10 times higher for girls who have witnessed abuse.

Without access to affordable housing, without access to immediate counselling and support, many women feel there is no choice but to stay within an abusive household.

I want to speak about the important role of second-stage housing and how that plays an important role in preventing such tragedies. We have 27 such housing programs across the province. Shelters can only house women and children for up to six to eight weeks.

Second-stage housing provides what is really important after that initial shock, and that is consistent, secure and safe housing for a year or longer. It is very important to have this consistency when you're counselling women and children. In fact, if you have counselling dollars without this consistent housing, the counselling is ineffective. Kids need to feel physically safe first before they can trust another adult.

Before 1995 the province funded second-stage housing, along with very important counselling services. In 1995 the provincial funding was completely cut and downloaded to municipalities. Fundraising and special project monies are what keep most of these programs alive. Four of them are alive through federal support.

Earlier this week, representatives and former residents from Phoenix second-stage housing in Hamilton and from the Nekanaan second-stage housing in the city of York came to Queen's Park with a message, and that was, "Please reinstate provincial funding to second-stage housing."

A very brave young woman, Tanya, relayed her story this week. It's a success story. God knows, we've relayed enough tragedies in here and will continue to do so—it is

our responsibility—but it is important to show that good programming can do a lot to turn a person's life around. Tanya says:

"One year ago I left an extremely abusive relationship. I ended up at Inasmuch House,"—a shelter—"like many other women in my situation, looking for a way out. As my eighth week was approaching I still had not found an apartment, between work, my daughter, and trying to figure out why I could not let go of him. When my counsellor approached me ... " and she approached Phoenix Place second-stage housing.

"When I first moved to Phoenix Place I remember feeling scared, confused, lost and lonely, on top of my hysteria and confusion of the abuse. I hated Phoenix Place for what it represented. I really did not want to be here but I had to be here to make things better for my daughter and I....

"Now that it is time to leave my perspective of Phoenix Place has changed. I am no longer scared, confused or lonely and most of all I am no longer being abused. I also no longer hate Phoenix Place for what it represents." She sees it now as "a place where my daughter and I were able to heal, to learn to be ourselves and most of all move forward and that is what we have done. I wish to thank the staff and coordinators of Phoenix Place...."

Tanya wants this second chance for every woman across the province who may need it. In 2001, Phoenix Place in Hamilton had 69 women and 77 children apply for housing. Unfortunately, they were only able to house eight women and five children. Since its opening, some 513 women with 567 children have requested housing. Only 60 women and their children were housed.

The irony here is that we end up at the municipal level housing these women and children at expensive hotels, at a far greater rate than we would if we had enough second-stage housing.

I think the most important part of second-stage housing for the children is that secure, consistent house where they know they are safe, where eventually they will trust a counsellor and trust that they will be safe in their future.

On behalf of the women and children at risk across this province, I plead with you, Minister, to consider reinstating funding to second-stage housing. I know I speak for all of us on this side of the House and probably for most of us on the other side of the House when I ask you to do so.

1430

Ms Marilyn Churley (Toronto-Danforth): Bonita Blunt, a 39-year-old mother of two children, was found dead on Sunday of multiple stab wounds and a slashed throat. Her estranged husband has been charged with first-degree murder. This is another woman to add to the long, sad list of women murdered by their spouses or ex-spouses in this province. On behalf of the New Democratic Party, and I'm sure all members in this House, our hearts go out to the family of Bonita Blunt today.

The biggest security threat to Ontario today is the terror women experience at the hands of their spouses or ex-spouses. What is this government doing to protect these women? I just received a press release that shows the government is actually planning to close one of Thunder Bay's shelters for abused women, a decision Thunder Bay's police chief says is so wrong-headed that it defies logic. The chief cited "an ever-increasing demand for beds at the shelter." Thunder Bay city council—I don't know if you know about this, Minister, but you should look into it—passed a resolution opposing the shelter closing. I understand there has been some discussion of putting some beds in some of the other shelters, squeezing them in there. Please look into that, as you, I'm sure, would agree that this is extremely wrong-headed.

I also want to talk about the victims' justice fund. Advocates are telling us and telling you that you've used most of the money for the bricks and mortar instead of victim counselling. Advocates are asking, if there is any money left, where is the accountability and is it going to be used for the actual housing or counselling for these victims? It isn't being used for that right now.

The Conservatives set up a fatality review committee, and that's good. I'm glad you're doing that. What we want to ask is, where is the money and what are you doing for the women living in danger? When is this government going to respond to the Hadley inquest? When is the government going to bring back second-stage housing in this province? It would go a long way to helping women and children, which it used to do, in transition when they're fleeing violent situations?

As you know, a Statistics Canada report on homicide rates in Canada revealed that, in one year, spousal homicides across Canada jumped to 69 from 52, with virtually all of that increase taking place in Ontario. That is a 25% increase. It's an unacceptable number. This woman I mentioned today, Bonita Blunt, is now added to those numbers.

You have been warned by women on the front lines. We bring this up time and time again. The coalition of 165 groups came to Queen's Park to warn the Conservatives of what they called a crisis now in domestic abuse. They wanted all-party support for the provincial government to fund emergency measures to address this terrible violence against women.

You've been warned by the Provincial Auditor. One year ago, he reported women and children were being turned away from overcrowded women's shelters in eight out of nine Ontario regions. In the year 2000, 1,000 women and children had been turned away from a single women's shelter and forced to go to a homeless shelter. There are lengthy waiting lists for these key services.

Two inquests into spousal homicides provided you with the blueprint for action. It should be immediately implemented.

I know you have focused on policing and the courts, but as you well know, that is not the only solution to domestic violence.

Finally, I want you to table in this House all of the information that shows your government has actually increased funding for violence against women to 70%. I know that isn't accurate and I would like you to table that documentation.

Finally, on behalf of the New Democratic Party, I too want to thank and congratulate the people who are here today, for their services and contributions to eradicating violence against women in this province, and indeed all the front-line workers who are working so hard to stop this violence.

REMEMBRANCE DAY

Hon Carl DeFaria (Minister of Citizenship, minister responsible for seniors): I'd like to make a statement on Remembrance Day. On Monday, November 11, at 11 am, Canadians will pause for a moment of silence. We will pause to honour the thousands of Canadians, men and women, who risked their lives and all those who lost their lives to defend freedom and democracy.

In times of war and on peacekeeping missions around the world, our troops have served Canada with courage and resolve. Canadians have risked and given their lives so that future generations could enjoy the blessings of peace and democracy. Those of us who have known only peacetime cannot begin to imagine the terror and horror of war, but our veterans do. During this remembrance week, we pay homage to those who fell. We also honour our veterans who faced danger and survived to carry on.

Our government's commitment to preserving this vital part of our history is real. Today, the Ontario government announced two initiatives: a \$1-million contribution to the construction of the Juno Beach Centre, situated on the Normandy coast. As our Premier has stated, "This centre will be a place where generations of families can come to learn, remember and reflect." As well, our government has committed to create a war memorial, a cenotaph on the grounds of Queen's Park. In making these announcements, our Premier has noted, "These two memorials will help preserve the stories of men and women who showed us what courage, service and greatness is."

Our veterans' experience is a living legacy, a vital part of our national consciousness. They are keeping our history alive. That is why the Ontario government continues to support the outstanding work of the Dominion Institute and the Memory Project. Through the Memory Project, veterans share their wartime and peacekeeping experiences with Ontario students. Since the project was launched in 1999, more than 550 veterans have joined the speakers bureau. Their stories have been shared with more than 45,000 high school students and with immigrants who are learning English as a second language. This work is crucial. Through it, our young people experience the realities of war not found in textbooks, and newcomers to Canada gain a deeper knowledge of their adopted homeland and the meaning of citizenship.

During the First World War, a Canadian doctor, John McCrae, wrote the poem "In Flanders Fields" while on

the battlefield. That poem's stark image of red poppies growing between the soldiers' graves became an enduring symbol of remembrance, the same symbol we wear today.

Canadians are keenly aware that our safety and security are not to be taken for granted. In the year following September 11, 2001, Canada committed 3,000 personnel to support the international coalition against terrorism. Just like their counterparts before them, they are putting themselves in danger to defend freedom and democracy, the values that are core to our way of life. Perhaps that is why you will see even more people wearing poppies this year.

On the 11th day of the 11th month, Canadians, now more than ever, will pause to remember and be thankful to the Canadian men and women, past and present, who served our country with brave resolve. They deserve our deepest gratitude. We'll never forget that they put their lives on the line to fight for freedom. I urge all members to take part in the Remembrance Week ceremonies taking place in our respective communities.

1440

Mr James J. Bradley (St Catharines): In a legislative body which by its very nature is partisan and often confrontational, there is an occasion when partisanship is set aside and consensus is easily reached. That occasion is the last sessional day before Remembrance Day, when members of the Legislative Assembly pause together to remember those Canadians who made the supreme sacrifice, the sacrifice of their lives, in a war fought to defend freedom and democracy.

Over the years there have been moving tributes paid to those whose memory we honour as a nation on November 11—tributes delivered with eloquence, passion and emotion by those who served in our armed forces in times of war. Far better than we who did not experience military service on a personal basis, some members of the Legislative Assembly, themselves veterans of conflicts around the world, shared with us and with those who have access to the deliberations of this House the horrors of war and the immense sacrifices made by those who fought in defence of our way of life.

What is often forgotten as we march alongside veterans of the wars is that so many of these men and women were very young when they entered the service of their country in the war effort overseas and far too many did not return home to their loved ones or have the opportunity to live lives filled with all the experiences that are available to those of us who are beneficiaries of their sacrifice.

One of the most moving moments at cenotaphs across our country is the laying of the wreath by the Silver Cross mother, who has seen her loved one or loved ones depart for wars in foreign lands and not return. One wonders what memories pass through their minds as they move, often haltingly and almost always with assistance, toward the war memorial in their community to lay this wreath which carries so much significance.

War is all too often glorified and, indeed, mischaracterized in popular movies. The depiction of events

bears little resemblance to the realities of the battlefield, for in reality our veterans will tell us that the days were grim, the conflict so very often hard and the damage inflicted, both on the body and on the mind, often irreparable.

While it is the dead we honour at Remembrance Day services, our thoughts are also with those who returned from action sometimes scarred both physically and psychologically by the ravages of war. The tears that appear in the eyes of veterans whose memories recall all too vividly the loss of friends, the destruction of homes and the ugly wounds of conflict are understood by all of us.

As the lines of marching veterans thin from age, infirmity and death, we who remain must assume a special obligation to remember. In his poem "In Flanders Fields," John McCrae refers to the passing of the torch to those who succeed our fallen comrades. Most assuredly we must all, young and old, take up the challenge of those who made the supreme sacrifice on our behalf.

While the focus on remembrance and reflection is, as it should be, on November 11, it is essential that we who enjoy the benefits of democracy for which our veterans fought and died honour them throughout the year. The Royal Canadian Legion and other veterans' organizations across our land need our support more than ever to maintain their efforts to preserve Remembrance Day as an occasion for all Canadians to remember the sacrifices made in World War I, World War II, the Korean War and other conflicts in which our armed forces have been involved. They need our support as well to ensure our veterans are treated with dignity, respect, generosity and compassion in their senior years as battle scars on the body and mind begin to take their toll on their lives.

It is said that in communities in the Netherlands, France and other countries where Canadians liberated people from their oppressors, to this very day the children, grandchildren and great-grandchildren of those who had the yoke of occupation lifted by our Canadian forces remember and pay tribute to our fellow Canadians for the sacrifices made so very long ago.

When we see members of the Royal Canadian Legion, when we see those who served so that we might enjoy the democratic freedoms that are ours today, when we see these individuals often shivering in the cold winds of November, poppy box in hand, let us stop to say thank you and let us join in two minutes of silent remembrance on November 11. Those who are no longer with us and those who return from war should expect no less from all of us.

Mr Peter Kormos (Niagara Centre): I'm honoured to be able to speak on behalf of the New Democratic Party caucus in this tribute to Canadian women and men who, over the course of a century-plus, have made the supreme sacrifice.

This coming weekend, every one of this New Democratic Party caucus, like every other member of the Legislature, will be joining their communities at war memorials and cenotaphs indeed across this province.

Howard Hampton will be travelling up to Kenora-Rainy River where he will be visiting small town after small town in that huge riding as he participates in this tribute to courageous, brave and idealistic Canadian women and men. As we visit those cenotaphs and war memorials, especially in those small towns—be it the communities that Howard Hampton, Shelley Martel or Tony Martin will visit in the north, or like Port Robinson or Pelham last weekend for me down in Niagara region—and we see the lists of the fallen, it seems somehow that it was small-town Ontario, small-town Canada and rural Ontario that gave disproportionately when it was called upon to deliver up their young men and women to fight in the First World War, the Second World War and, yes, the Korean War—to call it anything other than a war is to do a great disservice to those veterans of the war in Korea—and, yes, Canadians who served in the war in Vietnam and who, for the largest part since then, have served with incredible self-restraint on behalf of this country as it participates in international peacekeeping exercises.

As we reflect upon those who have served over the course of so many years, let's understand that our Second World War vets now are approaching their eighth decade. They're well into their late 70s and early 80s, the youngest of them. Our Korean War veterans are approaching their 70s. That means that the responsibility for recalling those great sacrifices, be it in small-town Ontario or at the great cenotaph in front of old city hall here in Toronto, falls increasingly on to the shoulders of not just their children but indeed their grandchildren and great-grandchildren.

Let's recall the heroic role of Canadians. Let's recall as well that, at the time of World War II, this was a country of but nine provinces and a population of approximately 10 million people. Yet Canadians distinguished themselves certainly in the First World War. Many have commented that the Canadian identity was forged in some of the great battles where Canadians provided leadership in the First World War and that the Canadian role in the liberation of Europe, the defeat of fascism and Naziism, has become a hallmark characteristic of the Canadian character as a nation.

We celebrate not only those who served in the armed forces but those as well who served in the merchant marine. We must recall as well, although they weren't members of a state-sanctioned, organized and authorized force, those idealistic young Canadians who fought as part of the Mackenzie-Papineau brigade—the MacPaps—who went to Spain to confront fascism in its seminal stages and laid their lives down there too.

The sacrifices are historic, but they're also current. Why, it's within the very recent past, well within the painful memories of so many family members and friends, that two young Ontario men—my colleague Marilyn Churley attended one of their funerals; he was one of her constituents—were killed, regrettably and tragically, by friendly fire.

We salute these brave Canadians. We accept the responsibility to perpetuate their memory, to recall their

courage, to recall their sacrifice and to commit ourselves to never having to send young people to war again.

The Speaker (Hon Gary Carr): Would all of the members and our friends in the gallery please rise for a moment of silence.

The House observed a moment's silence.

The Speaker: I thank all of the members.

1450

ORAL QUESTIONS

HYDRO DEREGULATION

Mr Michael Bryant (St Paul's): My question is for the Minister of Energy. Two weeks ago today, one of your predecessors, Mr Wilson, gave a speech in Espanola at the Pinewood Motor Inn. It was recorded in the Manitoulin Recorder. In that speech, he predicted a spring election, and he was asked why. This is what he said, Minister, "I don't think he"—the Premier—"wants to go to the polls when electricity rates go up again next summer." Is this this government's cynical electrical election strategy?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): No.

Mr Bryant: Well, this indictment of the minister certainly throws a wet blanket on your big announcement tomorrow, doesn't it? Whatever credibility and hope you might have had in trying to provide rate relief is starting to look a lot more like a quick-fix Band-Aid, isn't it? And this from the same energy minister who designed the electricity competition marketplace. That is hydro-pocrisy at its highest, isn't it?

My question to you is, will you admit that whatever you announce tomorrow in your incredibly needed rate relief package, as long as Ernie Eves is the Premier, electricity prices will continue to rise?

Hon Mr Baird: I think what this province needs is rhetoric relief from the member opposite.

Mr Bryant: The non-confidence votes from this government continue to pile up. First, former Minister—

Interjections.

The Speaker (Hon Gary Carr): Don't be yelling, "Question." It's hard for the members. They don't know if I'm yelling it or you're yelling it. We do both sides, and it's unfair to do that. Please don't do that.

I apologize. You may start over.

Mr Bryant: Minister, the votes of non-confidence from cabinet members and caucus continue to pile up. You have former Minister Jackson. You have a sitting parliamentary assistant, Mr Mazzilli. You have a sitting cabinet minister, Mr Clark. You now have the former energy minister, Mr Wilson. All of them have expressed a lack of confidence in your energy policy.

So my question to you is, if your cabinet members and your caucus do not have confidence in your electricity

policy, how on earth could Ontario voters have any confidence in you?

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): On a point of order, Mr Speaker: The member should refer to the members by their ridings or by their positions.

The Speaker: I'm sure the member knows that and will do that in the future.

Hon Mr Baird: It's easy for people in the Liberal Party to have confidence in their party's policy, because if they don't like it they can just use the one they espoused yesterday.

I would indicate to the member opposite, as I have earlier in this place, that the Premier is concerned and I'm concerned about the effect that families, farmers and small business people face when they look at their electricity bill on their kitchen table and their concern for the future. The Premier has asked me to look at the issue of rate relief and the issue of what we might do to address the legitimate concerns that working families in the province have, and I'll be doing that and reporting to the people of Ontario in short order.

The Speaker: New question.

Mr Bryant: Again to the Minister of Energy, late-breaking news today: the Independent Market Operator came out with its decision in response to the application made by local utilities for "immediate and urgent adverse financial impacts on local distribution companies."

They turned to the IMO for relief because of a botched marketplace, and the IMO has rendered its decision, and it is to turn down the application of the local distributors. That means that local utilities, many of them wholly owned by municipalities, might have their assets seized by lenders because they are on the verge of bankruptcy. What are you going to do to fix your botched electricity marketplace?

Hon Mr Baird: We've certainly been actively working with the Electricity Distributors Association. I met with the IMO and others to discuss what can be a reasonable position with respect to their getting payment and the differential between when they collect bills. I think the announcement we'll make in short order will help address that.

It is passing strange—I look at the utility in my own home constituency of Ottawa-Carleton. If they're having financial trouble, maybe they should look to their shareholder, which this year is taking \$28 million out of the system, before the member opposite rises with his rhetoric.

Mr Bryant: It's not rhetoric; it's a decision from the IMO. It has turned down an effort by the local distributors to get some assistance, because you built a marketplace that isn't working. You built a marketplace when you were told again and again that price spikes would leave them on the edge of financial ruin. The answer from the government before the market opened in May was, "No, no, no, there won't be any price spikes. Don't worry."

What happened is that you built a shiny red convertible without a top and you sent it into the Arctic tundra, and now consumers and distributors are finding it a mite uncomfortable.

This is a serious matter. These utilities are saying they are on the verge of bankruptcy, and the IMO is giving them no relief. It is only the government that designed the market that is going to be able to fix this problem.

Are you going to include in your announcement tomorrow relief for this very critical problem, which has the marketplace on its knees?

Hon Mr Baird: As I mentioned to the member opposite, we've been looking at solutions with the Independent Market Operator. Do generators need to be paid in the short order that they're paid now? My answer would be no. Can the local distribution companies and their shareholders take part of the responsibility? I think the answer is yes. Can we facilitate and help in that role? I think the answer is clearly yes, and we're working toward that objective.

I do find it passing strange when we look at some of the local distribution companies. Take Toronto Hydro. You have the shareholder there, who took tens and tens of millions of dollars out of the company, who this year will take out \$60 million in addition to that as profit. The shareholder who takes out this money doesn't want to help them with any financial relief, and somehow it's this government's responsibility? I don't think so.

Mr Bryant: You raised Toronto, Minister. More bad news and another wet blanket on your electricity policy: it was revealed in published reports that a greater Toronto hockey league official predicted that hockey registration fees for the minor leagues could jump by more than 100 bucks per player next year. Not only are you boarding Toronto consumers with high prices, not only are you slashing them with a bonus hydro bill, but now you are hitting them where it really hurts: in the hockey rink, attacking our national sport. I say to you, a match penalty for government misconduct and incompetence.

What do you say to Ontario families who have to say to their sons and daughters, "Sorry, kids, you can't play hockey this year; the hydro bills are too high"?

Hon Mr Baird: If fearmongering were against the rules, the member opposite would be in the penalty box. We're looking at the whole issue with respect to providing rate relief for the hot months that we've seen, as was envisaged when we started electricity reform. We're also looking at what stability we might provide, and we'll be able to report back to the people of Ontario in short order.

In the member opposite's constituency, they've been paying stable rates for electricity at 4.3 cents. I do underline that as well.

1500

The Speaker: New question.

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Energy. Minister, deregulation has meant skyrocketing hydro bills for homeowners, small businesses, farmers, schools, hospitals—

the list is almost endless. But you still don't seem to get it. Media reports suggest that you will offer people a \$45 rebate cheque and some technical changes. If that's all you have to offer, Minister, let me give you some advice: you'll be run out of town.

Minister, why are you offering a dim-bulb suggestion when we need a megawatt solution?

Hon Mr Baird: I would say very directly to the leader of the third party, this Legislative Assembly provides him with a few million dollars for research, and he should spend more than 50 cents on the Toronto Star to do his research for question period.

Mr Hampton: The fact remains, Minister, that you and the Liberals still think you can make hydro deregulation and privatization work. You and the Liberals still believe that if you offer some rebates just before the run into an election campaign, you can fool people.

New Democrats know that if you look across North America, deregulated, privatized hydro isn't working very well anywhere. That is certainly the case in the United States. So why are you and the Liberals offering a pathetic bribe when hydro consumers know they'll get zapped again and again if you don't cancel hydro deregulation?

Hon Mr Baird: I'm more than pleased to be accountable for those of us on this side of the House in question period, but don't ask me to be accountable for the policies of the Liberal Party—

Interjection: Or lack thereof.

Hon Mr Baird:—or lack thereof. Trying to pin down the Liberals on a policy position is like stapling Jell-O to the wall.

I will say to the member opposite, I do admire the fact that he has been consistent in his policies, his values and his beliefs with respect to electricity and with respect to deregulation and opening a competitive marketplace in the province of Ontario. The Premier of Ontario strongly shares the concerns that working families, that farmers, that small business operators have in the province, not just with the bills that are on their kitchen table but as well with respect to what the future holds. He's asking me to report to him and to my cabinet colleagues and to the people of Ontario on this issue, and we will, in very short order, because we appreciate that concern.

Mr Hampton: Minister, let me give you an example of what's really happening out there. Leonardo Capone of Hamilton is out more than \$400 on his hydro bill. What will your pathetic little rebate do for him—buy him some candles and a flashlight? You and the Liberals continue to believe that if you just throw some rebate money around, what has become a financial catastrophe across this province can be made to disappear.

Minister, don't listen to the Liberals. Don't listen to the private sector hydro lobbyists out there. Cancel deregulation now. Do the right thing.

Hon Mr Baird: I certainly share the concerns that the gentleman he raises has with respect to his electricity costs. We will be reporting in short order.

The member opposite is riding around the province in his bus, encouraging public power at cost, but we haven't had public power at cost.

I'll tell him another story. It's about the baby born in the province of Ontario this morning who has a \$3,000 bill with respect to Ontario Hydro's massive debt. I'll tell you another story: about the family in his own constituency who's having to pay off \$10,000 of debt that he and previous governments racked up. Where is the social justice in the province of Ontario in racking up debts in the names of our children and our children's children? There is no social justice in that.

The Speaker: New question.

Mr Hampton: Minister, yesterday the Premier suggested that the Ontario Energy Board had directed local utilities not to cut people's hydro off. He was wrong about that, just like your government was wrong about hydro deregulation and privatization in the first place. But today, a woman who watched the Premier sent us a fax. She's a mother from Burlington. Her daughter, who has MS and who has to look after two small children, had her gas cut off. The reason? Because she had to use the money that would have covered the gas to pay the skyrocketing hydro bill.

I say to you, Minister, when it is four and five below at night, no one should have their gas or their hydro cut off. It is time to pass my private member's bill No Freezing in the Dark. Will you agree today to pass it?

Hon Mr Baird: In the province of Ontario, with respect to natural gas, when the member opposite was in government, there were no changes brought about to that. However, I do recognize and acknowledge that the high electricity prices that some have faced have caused real concern to many in Ontario. With respect to social assistance recipients, there are vehicles at their disposal to be able to receive some emergency assistance. I understand that is being looked into. I know the utility in question, in this geographic area, would look at that issue, and I understand they are doing so.

I do commend the member opposite. He raised this issue last Thursday in the House. I spoke to my Premier on Tuesday and directed Hydro One not to cut people's electricity off in the fall. It was interesting, I say to the leader of the third party, to see the Leader of the Opposition becoming a Howard-come-lately to the issue just yesterday.

Mr Hampton: Minister, I'm going to send you the letter that this woman sent us, and I want you to have a look at it.

What is revealing is that yesterday the Premier stood up and tried to tell people that this wouldn't happen, that this couldn't happen. And this speaks to the larger issue: you and the Premier go around the province suggesting that all this is going to be fixed with a rebate and maybe a directive here, but the people of the province know that is not the case.

Yes, you need to pass my private member's bill so that between October 1 and May 1 no one will have their gas or hydro cut off. But you also need to go a step further

and deal with the long-term problem. Cancel hydro deregulation and privatization because it only makes the situation worse. Will you do that?

Hon Mr Baird: The short answer to the question is no.

With respect to the other issue, having electricity cut off, I share the concern that the member opposite has brought to the House. A lot of folks across the province of Ontario are experiencing higher-than-anticipated electricity costs, and they're concerned about what the colder months will bring.

I'm from Ottawa in eastern Ontario, where we went through the ice storm, where we had literally hundreds of thousands of people in eastern Ontario without electricity. The reality is, there can be some incredibly serious consequences to that. The Premier has directed me to the local distribution company, with which we are the shareholder in the province of Ontario; that we don't think, given the circumstances of this year, it's responsible as a corporate citizen. I would expect that the interests of people come before the interests of profit and shareholders with respect to electricity, at this difficult time with rising electricity rates.

HYDRO RATES

Mr Dominic Agostino (Hamilton East): My question is to the Minister of Energy. I'm going to give you some examples of some of the impact that the Harris-Eves mismanagement of hydro has had on some of our public institutions.

The Toronto Transit Commission had to budget an additional \$7.3 million because of a new contract they signed to deal with their hydro. The Toronto District School Board has to find an additional \$2.5 million in their budget to deal with increased hydro. The Ottawa-Carleton District School Board has to find an additional \$900,000 in their budget to deal with increased hydro costs. The Hamilton-Wentworth District School Board has to find an additional \$700,000 to deal with their budget. Hamilton Health Sciences Corp has to find an additional \$2.2 million. The list goes on and on.

Clearly, this is the result of the mismanagement of hydro. Will you today commit to reimburse the money for these institutions so they can balance their budgets and not have to make further cuts?

1510

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): Some in the province of Ontario entered into fixed-rate contracts and these institutions, of which the honourable member speaks, were on the spot market. Whether it's school boards or hospitals, by and large these are large financially sophisticated institutions. We could also speak of homes for those people with developmental disabilities and shelters for battered women. We could speak of other social service agencies that are perhaps in even greater need. I think it's important for those on spot market prices. When we look at relief with respect to the

electricity bills people have received, we mustn't forget their needs and we mustn't forget that as we look forward to the future.

Mr Agostino: I understand what the minister's saying. The pain is to everyone in this province. You've spread the pain. Every institution is suffering. We know that. The reality is, you've got school boards that are facing deficits. This means more teacher layoffs, less classroom supplies, less textbooks. You've got hospitals facing deficits, which means less nurses, less MRIs, less surgeries. The reality, as a result of the incompetence of your government in dealing with this hydro file and this hydro situation, is that school boards and hospitals are already in deficit.

Understand, Minister, you've told them to balance their budgets. This is money they did not budget for. This money is beyond what they had budgeted. That means each one of these institutions we're talking about must now make further cuts. There's only one place it can come from—front-line services and programs, teachers, nurses, health care, surgeries, textbooks, computers. That is the reality.

I ask you again, will you commit today to reimburse and refund these public institutions the additional non-budgeted money they're forced to pay because of your government's mismanagement so they don't have to make further cuts to their programs?

Hon Mr Baird: We're certainly mindful in the review that we're going forward with of the needs of the public sector and the broader public sector with respect to electricity prices. We're very mindful of that.

INFRASTRUCTURE PROGRAM FUNDING

Mr John O'Toole (Durham): My question is to the Minister of Finance. I remain concerned about Ontario's investment in public infrastructure. In fact, we're hearing that our existing infrastructure will not be able to sustain existing population growth. For instance, in the riding of Durham, and in fact Durham region, population growth is in excess of 15%. I appreciate the investments under SuperBuild in such things as the library in Clarington, the second ice pad in Port Perry and the University of Ontario Institute of Technology, Ontario's newest university, as well as Lakeridge Health Bowmanville. There are challenges ahead and I wonder if you could address this in your response to me today.

Hon Janet Ecker (Minister of Finance): I'd like to thank the member for Durham for an excellent question. We recognize quite clearly that part of a strategy for growth, prosperity and economic growth in our province has to include investments in our public infrastructure, in our highways, roads, bridges, post-secondary institutions and so much more. That's why, through SuperBuild, the government agency that oversees and coordinates these investments, Ontario and our partners have invested more than \$13 billion in 3,000 projects. By the end of the year 2004, Ontario and our partners will have invested \$20

billion in capital improvements, the largest investment of its kind in the province's history and a very important support for economic prosperity.

Mr O'Toole: Thank you very much for your commitment to this very worthwhile investment in Ontario's future.

These investments aren't just for Durham, as you've outlined. But I represent the riding of Durham and I've heard from Clarington council of their concerns. That's why I'm addressing them today. Minister, I'm asking for your help with respect to specific projects within Durham because that's the area I represent, but I know you're making the same commitment for all of Ontario. I'm also concerned at the lack of federal presence in some of these projects.

Hon Mrs Ecker: Again, I'd like to thank the member from Durham because these strategic investments have impacted all the way across the province, not only Durham region, but I'm pleased as a member from Durham region to talk about the investments we have made there: for example, the \$60-million investment in establishing the new University of Ontario Institute of Technology in Durham region that the Durham MPPs have worked so hard to do.

The Liberal finance critic loves to make fun of Highway 407, and yet if it wasn't for the partnership we put in place, we wouldn't have the 407 in the Durham region. The Liberals didn't care to do it. This government made it happen for consumers and commuters in our region. We also have money for the transit fleet renewal in Oshawa, Pickering and Ajax; money for the Don Beer arena in Pickering, for example; the restructuring of the Whitby hospital site from Lakebridge Health—

The Speaker (Hon Gary Carr): The minister's time is up.

HYDRO RATES

Mr Steve Peters (Elgin-Middlesex-London): My question is for the Minister of Agriculture. I have in my hand a letter written by Hydro One Networks. In this letter it states, "We have been directed by the Ontario Energy Board to recover an additional \$12.9M in low voltage costs from our retail customers using the distribution system." This letter says it's beginning October 1; in other words, another retroactive charge. "Customers will see an increase in their delivery charges...." Farms are going to be dinged for an addition \$8.19 a month or another \$100 a year. You're supposed to be the voice for agriculture in this province, and at the cabinet table. Where were you during these public hearings when the OEB allowed this to happen?

Hydro One is your company. The OEB is your watchdog. The announcement in the brochure states that the open market promises to deliver many new benefits. Madam Minister, I'd like to know what kind of new benefit this is you're putting on the backs of the farmers of this province. Why are you continuing to pick the pockets of farmers in Ontario?

Hon Helen Johns (Minister of Agriculture and Food): I refer this to the Minister of Energy.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The Minister of Agriculture is an incredibly strong voice for farmers in this government. She got her bill through. Despite the fighting and the delay tactics of the Liberals, she finally got her bill through. Half of the Liberals had left the room when she did it. I am sure in ridings like Prince Edward county and Tweed and Napanee the area farmers are going to be asking questions about where those Liberal members were.

With respect to the question the member has asked, I believe the Ontario Energy Board can be more responsive to rural Ontario. That's why we're conducting an entire overhaul and review of the agency.

Mr Peters: I'm going back to the Minister of Agriculture, because her silence tells it all right now. What kind of voice is that for agriculture, when she passes and sloughs it off to the Minister of Energy?

Minister, you should know what's happening on the farms. Do you know what electricity bills are looking like for Ontario farms right now? Last week I brought to the attention of this House a number of farm bills and the difficulties farmers are facing. Bills on many farms have doubled in this province. We're not talking about hundreds of dollars; we're talking about thousands and thousands of dollars. You should know that farmers have been hit by two years of drought, and you turn your back on the farmers of Ontario right now. You know commodity prices are down and we're reeling from high electricity prices, and now you're zinging the farmers again when it comes to the distribution of hydro in this province.

Do you know what farmers are telling me, Minister? Your transition cheques, the transition cheques you're so proud of right now, are going right back into government coffers because they've received those transition cheques and they're out spending those transition cheques to pay their hydro bills. The \$8 a month is an additional tax, on the backs of farmers. Minister, don't be silent. Why don't you stand up and stop this? Stand up and tell us why—

The Speaker (Hon Gary Carr): I'm afraid the member's time is up. Minister of Energy.

Hon Mr Baird: The Minister of Agriculture visited my constituency this past August and she heard about the concerns that people in the rural part of Ottawa had with the redistribution of wards that Brendan McGuinty and Bob Chiarelli were ramming down their throats, and she certainly brought that concern to the minister of rural affairs. When this issue was brought up in the Ontario Legislature, the Liberal members on that side screamed that there were no rural areas in Ottawa. What there are not a lot of, in rural parts of Ottawa, are rural Liberals. That sort of attitude is why we won't see many in the future, in my judgment.

We're concerned about the rural ratepayers. Whenever I have spoken about working families and small

businesses, I have made it a point in this place to underline the needs of farm operators in the—

The Speaker: I'm afraid the minister's time is up.

1520

TEACHERS' STRIKE

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): My question is for the Minister of Education. As you well know, the union took the secondary teachers in the Simcoe Muskoka district school board out on strike earlier this week, affecting 7,000 students and their families. I've heard from many of these families who are concerned that this strike will threaten the entire school year for many students. Can you tell me what actions will be taken to protect the school year and not jeopardize students' chances for success?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I'd like to respond to the question from the member from Barrie-Simcoe-Bradford. I would agree that it is truly regrettable when there are disputes between school boards and their employees. I would certainly urge both sides to resolve the dispute as quickly as possible.

Having said that, I know that many of the teachers, of course having utmost regard and consideration for the students, prior to the strike assigned homework to students in order that they could continue with their studies at home. I would also like to say to the member that there is a body in place that is carefully monitoring the situation, and that is the Education Relations Commission, in order to ensure this strike does not jeopardize the school year for these students.

Mr Tascona: Many students and parents are anxious for a resolution because they don't want to see the school year lost. Can you please tell me how this government determines when it is necessary to take action to restore stability in the students' school year?

Hon Mrs Witmer: I really appreciate the concern that has been expressed for the students by the member from Barrie-Simcoe-Bradford. I would say that the following options are available: (1) parties can resume mediated talks; (2) parties can reach a joint agreement to voluntary binding arbitration; and (3) I talked about the Education Relations Commission, and they actually have a mandate to advise the Lieutenant Governor in Council when they think the school year is in jeopardy. When the Lieutenant Governor receives that advice, the government has generally received all-party consent for speedy back-to-work legislation. Traditionally, the ERC has offered advice around the three-week period, so I can tell the member that there is careful monitoring of the school year to make sure the students' year is not in jeopardy.

HYDRO RATES

Mr David Christopherson (Hamilton West): My question is for the Minister of Community, Family and Children's Services. On November 4, in answer to a

question regarding individuals on the Ontario disability support program having to make a choice between paying their hydro bill and buying food, you said the following: "We have provisions in place to deal with extraordinary costs, including costs to keep electricity running."

I have 45 individuals on a list in my constituency office who are receiving ODSP and who are about to have their hydro cut off. What I would like to know is, since the front-line workers, in Hamilton at least, haven't heard about your new program, I'd like you to stand in your place and read out the phone number that people on the disability program are supposed to call so their hydro doesn't get cut off. What's that phone number, Minister?

Hon Brenda Elliott (Minister of Community, Family and Children's Services): That question is to be answered by the Minister of Energy.

The Speaker (Hon Gary Carr): Minister of Energy.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): For those on fixed incomes with disabilities, the concerns they have around the hydro bill that's on their kitchen table are legitimate concerns. Their fear and concern for the future is something we're looking at.

Mr Christopherson: Brenda said they'd take care of it. Who do they call?

Hon Mr Baird: If the member opposite would like to listen to the answer, he might hear something.

The member opposite said they're facing cut-off. It is a cold month. We have frigid temperatures in November. I'll tell you that this government, with the concerns about electricity, where we're the shareholder—I have directed at the Premier's direction that our firm, Hydro One, is not to make disconnections during this cold weather. If the member opposite is looking for a phone number where people can call, they should phone the shareholder at the city of Hamilton and say that they should do the corporately responsible thing: put people before profits and before shareholder interests.

The Speaker: Supplementary?

Mr Tony Martin (Sault Ste Marie): This question was obviously for the Minister of Community, Family and Children's Services. She should stop hiding. She was the one who made the comment originally. We're urging all 192,000 people on ODSP in this province to phone your Queen's Park office, Minister. Let me give that number. It's 416-325-5225. We want them to know about your offer to pay their sky-high deregulated hydro bills and ensure that none of them get cut off. That number again is 416-325-5225.

People living on ODSP are already living below the poverty level. They certainly can't cover any new expenses. Will you confirm today that you will cover the full cost of your higher hydro bills, increased for 192,000 people receiving ODSP? Then will you ditch deregulation for a non-profit electricity system that doesn't rip people off? While you're at it, will you raise ODSP rates to a livable level?

Hon Mr Baird: The member opposite's leader, some three weeks ago, asked me if I would support his private member's bill on this issue. It took his leader two weeks to get it to me. I hope he would allow me at least one week to respond to that. If it took him two weeks to write it, give me at least a week to consider it, do our homework and be able to respond.

We share the concerns of those on fixed incomes, particularly those with disabilities on the Ontario disability support program. Certainly that is high on our list of concerns and in our discussions with respect to the electricity issue and rate relief. But this government can be very proud of the work we've done for disabilities. We have an unprecedented increase in the budget for people with developmental disabilities, with which this minister, Brenda Elliott, has continued to follow through, building on the successes that I and Janet Ecker had. That's in addition to new programs for autism, increases in a range of services and supports—

The Speaker: I'm afraid the minister's time is up.

LONG-TERM CARE

Mr John Gerretsen (Kingston and the Islands): My question is to the Minister of Health and Long-Term Care. Your government has a consistent record of refusing to fund even minimum levels of care for our most vulnerable seniors. You rationed home care by establishing hours of service that an individual could receive, even though their needs may be much greater than that. In homes for the aged and nursing homes, you withdrew regulations providing a minimum number of hours of nursing care, and you even withdrew the regulation providing for a minimum of one bath per week.

This morning in the House, by a majority vote supported by some of your government backbenchers, the following motion was passed: "That ... the government should immediately establish minimum standards of care for nursing homes and homes for the aged, including the re-introduction of minimum hours of nursing care and the requirement for a minimum of at least one bath a week." That's the democratic will of the 103 people who are elected. When are you going to live up to that democratic will and the resolution that was passed here this morning? When are you going to put these minimum standards in effect so that our seniors who live in homes can live out their remaining days in dignity and self-respect?

Hon Tony Clement (Minister of Health and Long-Term Care): I refer the question to the associate minister.

Hon Dan Newman (Associate Minister of Health and Long-Term Care): The resolution today wasn't whether long-term care is a priority for this government, because long-term care is indeed a priority for this government. We've demonstrated that. It wasn't a resolution on whether members as private members care passionately about long-term care, because all members

of this Legislative Assembly care about long-term care and about the 61,000 residents in the long-term-care facilities in this province.

Members voted today as private members during private members' hour on a resolution brought forward by the Liberal Party. Today's vote was a resolution by the Dalton McGuinty Liberals to turn the clock back on the residents of Ontario's long-term-care facilities. The new regulations that have been brought forward by the Ernie Eves government require that each and every resident in Ontario's long-term-care facilities be assessed with a personal care plan to meet their differing nursing and personal care needs across the province. The resolution today would turn the clock back on those 61,000 people.

1530

Mr Gerretsen: Let me say, it's passing strange that the Minister of Health and Long-Term Care, who in estimates stated that he was the minister and it was his budget and he was going to be solely responsible for answering the questions, wouldn't answer the question just now.

You well know that the study you funded which came out last year, the PricewaterhouseCoopers study of 10 jurisdictions similar to Ontario in Europe, Canada and the United States, clearly shows that we in Ontario, as a government, spend less money on nursing care, personal care and therapy care than any other jurisdiction. Whereas we should be leading the parade, we're at the back of the parade. That's no way to treat our seniors.

Today, a private member's resolution was brought forward, not by the Liberal Party but by the member from Thunder Bay-Atikokan. The will of this House is: re-establish minimum standards of care for our seniors. That's the elected will of this House as expressed by this resolution. When are you going to implement the will of the House, and that is to re-establish the minimum standards so that there can be some guarantees—

The Speaker (Hon Gary Carr): The member's time is up.

Hon Mr Newman: The resolution that was brought forward today talked about municipal homes for the aged and it talked about nursing homes. They forgot the 9,015 who live in charitable homes in this province. They left over 9,000 people out of the resolution.

Let's hear what Karen Sullivan, the executive director of the Ontario Long Term Care Association, has to say about this. She says in her letter to me today:

"I am writing to express our concern over the motion passed in the Legislature this morning calling for minimum standards of care in long-term-care homes.

"In Ontario today we have over 60,000 residents seeking care in over 500 long-term-care homes. Each resident has a different level of need and the combination of needs is different in each home. The current funding system attempts to match resources to an actual measurement of those resident care needs. Adopting a minimum standards approach would remove measured resident need as the basis for care funding and move us

even further away from the reality of a resident-focused system.”

HEALTHY LIVING

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): My question is also to the Minister of Health and Long-Term Care. Minister, in my great riding of Bramalea-Gore-Malton-Springdale, and all across Ontario, the number one concern I hear from residents is the future of health care. My constituents, like all Ontarians, want the best health care system in the world. I know that the Ernie Eves government is meeting their demands and I'm proud of the government's record on health care. Not only do my great constituents want to know what we are doing at Queen's Park, but they also are interested in finding out how they can help the health care system.

There's an old saying that an ounce of prevention is worth a pound of cure. I think the best way in which we will assist our health care system is by living a healthy lifestyle. Minister, please tell this House what our government is doing to assist all Ontarians in living a healthy lifestyle that will benefit not only the health care system but, more important to my constituents, themselves.

Hon Tony Clement (Minister of Health and Long-Term Care): I would like to thank the honourable member for Bramalea-Gore-Malton-Springdale and take the occasion to advise the House on another component of the Ernie Eves government's plan for wellness, officially launched last week: HealthyOntario.com. HealthyOntario.com is a consumer health Web portal that provides easy, one-stop access to information on hundreds of health conditions, hundreds of drugs, hundreds of services. It is our government's goal that HealthyOntario.com be the first choice Web site for Ontarians, where they can go for information to find trusted health information and services and for advice for healthier living.

You should know that Ontarians rely on the Internet as their source of choice for health information after their doctor. Ontarians from across our province have told us they want their government to place more emphasis on giving them the tools they need to stay healthy. Through the introduction of HealthyOntario.com, we are meeting that challenge.

Mr Gill: Thank you, Minister, for your response. As you may be aware, my wife works in the health care field. One of the things she is always promoting is a healthy lifestyle. I know she is in favour of any tools that will help her practice, help her patients live better and longer. I'm sure she'll be delighted with this latest initiative from the Ernie Eves government.

Minister, we politicians, as well as members of the press gallery, are sometimes guilty of being too busy to exercise and eat properly. I was wondering if HealthyOntario.com contains information on how we can address this problem. Also, could the Minister of Health shed

more light on what more one can find on HealthyOntario.com?

Hon Mr Clement: Let me start by saying that HealthyOntario.com is not a difficult site on which to find information. You don't have to be Web-savvy. We've made it easy to find the information one is searching for by providing a search engine and an alphabetical listing of all topics. I would like to inform this House that certainly there are sections on healthy diets and exercise programs.

What else can they find on HealthyOntario.com? They can find listings for hospitals and doctors in their area. They can find information about diseases, viruses and symptoms. They can find information about how to quit smoking, which would benefit certain members of this House, and the benefits that result from butting out.

On October 29, the day we launched HealthyOntario.com, there were over 90,000 hits on the site that day alone. So I urge everyone within listening distance of me to check out HealthyOntario.com. It is fun, it is informative, and it will promote healthy living and make health care work for you—HealthyOntario.com.

HYDRO RATES

DÉRÈGLEMENTATION DE L'ÉLECTRICITÉ

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): My question is for the Minister of Energy. This past week I heard from some of the nursing homes in my riding. They tell me they will not be able to pay their bills if your government continues to sit by and do nothing on this hydro fiasco.

The last hydro bill of the St Joseph Nursing Home in Rockland showed an increase of over \$3,000. The September bill of the Centre Roger-Séguin in Clarence showed an increase of \$3,500. And listen to this one: the July hydro bill for Maxville Manor was \$8,700, and their September bill was over \$15,200, an increase of over \$6,500.

Minister, these nursing homes cannot afford these increases. Our seniors need your help. I ask you to ensure that our seniors do not freeze this winter. Will these nursing homes have to start dipping into the daily \$4.49 food allowance of their residents to pay for your government's hydro fiasco? Tell me, Minister, will your answer to our seniors be, “Heat or eat? Le chauffage ou les trois repas?”

L'hon John R. Baird (ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones) : Je suis très conscient des besoins de la communauté, des agences et des personnes qui donnent les services aux personnes âgées dans notre province.

J'espère que le député de Glengarry-Prescott-Russell parlera du travail que le gouvernement est en train de faire et les réponses que nous sommes en train de donner au peuple de l'Ontario. J'espère qu'il parlera de la rebate qui était mise en place pour aider les groupes dont il parle. J'espère qu'il parlera de la priorité que le premier

ministre, Ernie Eves, et moi donnons à cette politique très importante.

Mr Lalonde: Minister, that is not enough.

Here are a few more hydro problems. The July bill of Marché St Albert was \$482. They just received their October bill, which you promised would be lower, and it was \$1,381. M. Malouf in Rockland has a small pizzeria. His July bill was \$939, and his September bill was \$1,873. These two small businesses, along with many others, are threatening to close because of your government's hydro fiasco.

Here are other cases. Many of those who are on a fixed payment plan have just received their final bill. M^{me} Longtin of St Isidore, an 85-year-old lady, was crying on the phone. Her budget payment was \$106 per month and her final bill was \$513, an increase of \$372. A single lady bought a house last year in Bourget and kept the same fixed payment as the previous family of six. Guess what, Minister? Her final bill this year was \$1,074.

Minister, your government created this mess and every day you promise to fix it. I ask you, when can they expect the good news? Tell me today what you plan to do for them and when they can expect this hydro fiasco—

The Speaker (Hon Gary Carr): Minister.

L'hon M. Baird: Aussitôt que possible.

1540

EARLY YEARS CHALLENGE FUND

Mr Wayne Wettlaufer (Kitchener Centre): I feel like I should be asking this question of the Minister of Energy, but I'm really asking it of the Minister of Community, Family and Children's Services. Minister, as you're aware, I have a large immigrant population in my riding. We receive probably the third-largest number, in terms of actual numbers, of immigrants from around the world, behind only Vancouver and Toronto. Many of these immigrants are young. Many of them have young families, young children. As a government, we announced the Early Years challenge fund several years back. You were going to make another announcement yesterday or the day before, and I'm not sure if you did or not.

Interjections.

Mr Wettlaufer: I was a little busy. I didn't get to hear it.

Anyway, Minister, I'd like to know, for the benefit of these young families in my riding, what we can do to help them apply for the projects. What do they need?

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I thank my colleague from Kitchener Centre for the question. I know that children's interests are very much his interests.

Yes, indeed, we did go out the door and announce the second round of the challenge fund, which is a program that supports community efforts to do more for children and families in Ontario. This is one of the programs that came from the Early Years Study. It's an opportunity to do more programs that come directly from the

community's needs. Our vision is that communities are able to provide care for children in special programs that are unique. This is the second round of proposals, as I said.

For organizations that wish to apply, we would encourage them to contact their local community, family and children's services regional office. They will get the details there. If they wish, they may visit the ministry Web site at www.gov.on.ca/CSS. There's an application form there. We would invite all those interested to apply.

Mr Wettlaufer: Minister, the families are going to want to apply for some money to help the local children. A number of the organizations will be there to do so. I know there have been some organizations in my riding that have already received something. I know that success breeds success. My riding is often touted as one to be proud of because we have been very self-sufficient, but nevertheless there are those who need help.

I would like to be able to share some information with those organizations that need help, who will be able to look to those organizations that have been successful in receiving funding. Could you give us a list of those that have received funding and been successful so that I could share that with the other organizations that are making applications?

Hon Mrs Elliott: The success of this particular program has been that it's been a combination of efforts, of organizations, governments and local businesses working together. The deadline for application is January 15.

To my colleague from Kitchener Centre, he might like to know that there are some very successful projects underway. For instance, the Catholic Family Counselling Centre is developing a program to increase children's success in school and help them integrate with their peers, particularly in a multicultural community. The House of Friendship of Kitchener operates a community centre that provides parenting programs with an outreach component for low-income families and new Canadians. Lutherwood Community Opportunities Development Association supports families with a home visiting program. The Centre for Research and Education in Human Services creates a system of data interpretation from the Early Years projects across Ontario, which gives us information about particular areas of interest that we as a government need to turn our attention to.

HYDRO RATES

Ms Shelley Martel (Nickel Belt): I have a question to the Minister of Energy. This spring the NDP warned you that private, for-profit power was going to drive up electricity rates, and the former energy minister called that a fantasy. I want to give you some examples of what's happening in my riding.

Benoit St Amour of Val Therese paid \$75.05 for hydro last year in October. His bill this October is \$408.13, a 543% increase.

Bill Henderson of Levack has seen his September bill rise 36.3% in comparison to his September bill last year.

He says, "Think of the impact this will have on home power costs, the education and the health sectors, not to mention our business community and the subsequent stress on the economy and job stability."

Cindy Bond of Capreol has seen her family's September hydro bill rise 62% in comparison to last September's bill.

High hydro bills are not a fantasy for these families. Admit your mistake. When are you going to cancel hydro deregulation and privatization?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): We're concerned about the reality that many people face right across the province with respect to their concern about their current hydro bill and the outlook for the future. The Premier has asked me to look into it, and we'll be reporting back in short order.

The member opposite is a charter member of the hydro hotheads club. I have here the hydro hotheads card. It says they support reliable and affordable public power at cost. We haven't seen public power at cost in decades in Ontario. What we've seen is public power at cost plus \$38 billion. Now, I know \$38 billion isn't a lot to the member opposite and her band of socialist friends. When they were in government, they increased debt more than that in five years.

I say to the member opposite that there is no social justice to that family in her constituency by borrowing \$3,000 for every child in Ontario or \$10,000 for every—

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up. Supplementary.

Mr Peter Kormos (Niagara Centre): I say to the minister, you're darned right you've never seen public power at the cost you're charging for your private, deregulated hydroelectricity here in Ontario. Howard Hampton warned you about deregulation and privatization, and he's telling you now that your rebate program ain't going to cut it. You'd have to send out rebate cheques once a month to even make a dent in the huge new costs.

Clova Corbin, a single mom up in Richmond Hill: her electricity costs have more than tripled, from 100 bucks to 320 bucks. Mary Ward, a mom with two kids on a fixed income: her rate has nearly doubled, from 140 bucks to \$278.

Minister, save us all from your privatization-deregulation misery. Don't just rebate, don't just cap; cancel. Cancel your for-profit, deregulated hydro scheme and adopt the NDP plan for non-profit, public power today—www.publicpower.ca. Will you do that?

Hon Mr Baird: In a very real sense, I want to underline the concern that Premier Ernie Eves has, that I have, and that our entire cabinet and caucus have with respect to the high hydro rates people in Ontario are facing. The Premier has asked me to report back in short order, and I've certainly committed to do that.

The member opposite is another charter member of the hydro hotheads club. Some would say he's the hottest of them all. I wasn't sure what a hothead was, so I got out a

few dictionaries. The first dictionary I checked said it's "a quick-tempered or impetuous person." The next one said, "a violent person; a hasty or impetuous person," as in "the rant of a hothead." The next one said that a hothead is "a belligerent grouch." But the last one was "a reckless, impetuous, irresponsible person." The member opposite is in the right club.

AMBULANCE SERVICES

Mr James J. Bradley (St Catharines): I have a question for the Minister of Health. Today ambulance dispatchers came to Queen's Park from all over the province of Ontario. They're describing a very serious problem that confronts all of Ontario, and I can be specific and say the Hamilton-Brantford-Simcoe-Niagara region, and that is the problem with ambulance dispatch service. The problem that has been identified by an independent outside agency is, first of all, that you have a large turnover of staff due to the fact that they are very much underpaid and that there's so much stress because there are too few staff; second, that the equipment they use is antiquated, outdated and not appropriate for use at the dispatch centre; and the third is that the training provided by the Ministry of Health is inadequate. Minister, will you now assure this House that you will act on all recommendations of that particular independent agency and that you will solve all the problems associated with this problem?

1550

Hon Tony Clement (Minister of Health and Long-Term Care): I'd be happy to inform this House once again that on August 20, 2002, this government announced \$32.5 million toward enhancing emergency health services; \$29.2 million of that would help maintain and improve ambulance response times and \$3.3 million was going toward enhancing ambulance dispatch centres. This means 66 new dispatch positions across the province, more rapid and efficient responses to ambulance requests and much-needed renovations of ambulance dispatch centres. That'll be implemented over the fall and winter so the honourable member can keep tabs on that situation.

I can tell you that we are also scheduling some major operational and technological improvements for all CACCs, and this plan of action had the following quote from the Niagara region public safety officer: "It's good that they're putting money and trying to fix dispatch problems"—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up. Supplementary?

Mr Bradley: All the assurances that you are giving are not stopping the fact that there are people who are actually dying because the dispatch is not appropriate for people who are trying to get the services of ambulances. This is not the fault of the dispatchers, because the dispatchers are in a situation where they're very much overworked. Sometimes there's one person on when there are supposed to be four persons on. They're using,

as we say, the most antiquated equipment, which is not satisfactory in that office.

In the regional municipality of Niagara, they are so desperate that they have said they're prepared to take over the service, as Toronto has taken over the ambulance service, and they're prepared to operate it if you will provide the funding. Will you now acquiesce to the requests of the people of Niagara that this service be repatriated to Niagara, given to the regional municipality of Niagara, along with the necessary funding to make it a service that will ensure that there are no more people dying because ambulances are not getting to them on time, and are not having their health deteriorate for the same reason?

Hon Mr Clement: I respectfully take issue with the honourable member when he states in his comments that deaths can be attributed to this situation. That is a serious allegation and, as he knows, there are coroners who would be in a better position to decide that issue rather than he or I in the House.

I can tell you specifically with regard to the Niagara and Hamilton CACC that, in the meantime, as we wait for the regional government to put together their best suggestions to us, all open positions have been filled at the Niagara and Hamilton CACC, a communications training officer and technical officer has been added to the dispatch centre, we've developed a more effective training and quality assurance program, and the Niagara emergency medical staff are training new CACC employees for familiarization with Niagara region. That, combined with the recent negotiated settlement with OPSEU employees, which provides for a substantial wage increase for these dispatchers, I think is a plan well worth celebrating.

BILL 207

The Speaker (Hon Gary Carr): We could begin petitions, if I could quickly give a ruling.

Yesterday, the Member for Mississauga Centre introduced Bill 207, An Act to amend the Retail Sales Tax Act to provide an exemption from tax for amateur youth sports.

After the bill received first reading, the House leader for the official opposition, the member for Windsor-St Clair, rose on a point of order to question the orderliness of the bill with respect to standing order 56, which states, "Any bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds, shall not be passed by the House unless recommended by a message from the Lieutenant Governor, and shall be proposed only by a minister of the Crown."

I undertook to review the bill and have since done so.

The simple purpose of the bill is to provide for an alleviation of the provincial sales tax that would normally be payable upon the purchase of a specified class of tangible personal property. This is conceptually similar to the tax credit proposed by the member for Etobicoke

North—then Etobicoke-Rexdale—in his Bill 24 of the second session of the 36th Parliament, which Speaker Stockwell ruled on in 1998.

In that instance, it was found that, although the proposal, if passed, would impose a burden on the consolidated revenue fund, this would only occur indirectly. I find the same in the current case and therefore find Bill 207 to be in order.

PETITIONS

LONG-TERM CARE

Mr John Gerretsen (Kingston and the Islands):

This is a petition that has been signed by people from Port Colborne, Fergus, Orangeville, St Marys, Sarnia, Petrolia, London, King City, Forest and Newmarket. It deals with the long-term-care situation. It's addressed to the Legislative Assembly of Ontario.

"Whereas the Eves government has increased the fees paid by seniors, the most vulnerable living in long-term-care" facilities "by 15% over three years, or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year effective September 1, 2002; and

"Whereas this increase will cost seniors and our most vulnerable more than \$200 a month after three years; and

"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario for 2002; and

"Whereas, according to the government's own funded study, Ontario will still rank last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas the government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and that the provincial government provide adequate funding for nursing and personal care to a level that is at least at the average standard for nursing and personal care in those 10 jurisdictions included in the government's own study."

I agree with the petition, have signed it accordingly and hand it to Matthew.

CUSTODIAL CARE

Mr Peter Kormos (Niagara Centre): The petition is to the Legislative Assembly of Ontario. I'm pleased that the minister is here to hear it directly.

"The regional council of Niagara have presented to the social services minister the following recommended changes to the legislation:

"(1) That the province of Ontario amend the Child and Family Services Act to recognize custodial care by extended family members as a legitimate intervention and that the related funding to support these care arrangements be made available;

"(2) That the temporary care allowance rate pursuant to the Ontario Works Act be altered to reflect established rates for similar care by foster parents;

"(3) That the regional municipality of Niagara along with the Niagara Family and Children's Services train their respective staff on the program options available to extended family members wishing to care for children;

"(4) That the region of Niagara along with Family and Children's Services advocate for the recommended changes with the Ministry of Community and Social Services as well as relevant associations, such as the Ontario Association of Children's Aid Societies;

"(5) That other consolidated municipal services managers be informed of this issue through circulation of this committee report;

"(6) That the province of Ontario be encouraged to consider a legislative change to permit open adoptions;

"(7) That the regional chair correspond with the Minister of Community and Social Services to advise the minister of these recommendations;

"We, the undersigned support these recommended changes to the legislation."

I've affixed my signature as well, and page Kalaneet Malik will deliver this to the Clerk's table.

HYDRO RATES

Mr Cameron Jackson (Burlington): I'd like to present a petition to the Parliament of Ontario which reads as follows:

"Whereas the province has stated its commitment to ensuring affordable hydro rates for the citizens of Ontario;

"Whereas the province's recent move to deregulate hydro rates and place them within the competitive context of the open market has resulted in significant increases in hydro rates, including retroactive ones, for Ontarians;

"Whereas some local utilities are projecting future costs and pegging it for consumers, resulting in unnecessarily high hydro rates;

"Whereas these hydro rate increases, above and beyond what citizens have paid before deregulation, present a great burden to many young families, seniors and those on fixed incomes;

"Whereas the province still owns Ontario Power Generation that produces most of electricity and it has stated that a review of hydro rates and its regulating agency, the Ontario Energy Board, is necessary;

"We, the undersigned, petition the Parliament of Ontario as follows:

"That the province be directed to immediately freeze hydro rates to last year's levels immediately during its current review of the Ontario Energy Board's mandate, that the province work with the federal government to eliminate the GST on Hydro One's debt retirement charges, and that the province ensure stronger consumer protection for all citizens of Ontario against such hydro rate increases."

It has my signature attached to it, and I'm very pleased to ask Hon-Hey, our page, to deliver it to the Clerk's desk.

The Speaker (Hon Gary Carr): I'm afraid that, pursuant to standing order 30(b), I'm now required to call orders of the day, it being 4 o'clock.

1600

ORDERS OF THE DAY

KEEPING THE PROMISE
FOR A STRONG ECONOMY ACT
(BUDGET MEASURES), 2002LOI DE 2002 SUR LE RESPECT
DE L'ENGAGEMENT D'ASSURER
UNE ÉCONOMIE SAINTE
(MESURES BUDGÉTAIRES)

Hon Mrs Ecker moved second reading of the following bill:

Bill 198, An Act to implement Budget measures and other initiatives of the Government / Projet de loi 198, Loi mettant en oeuvre certaines mesures budgétaires et d'autres initiatives du gouvernement.

Hon Janet Ecker (Minister of Finance): I'll be sharing my time with the member for Simcoe North and the member for Nipissing.

I'd like to outline for the members of the House some of the key measures in Bill 198, the Keeping the Promise for a Strong Economy Act. If passed, this bill will put into place a number of key commitments that were made in our 2002 budget in June, commitments that will support this government's agenda for continued growth and prosperity. These commitments include measures to improve investor confidence; to protect consumers in the auto insurance field; to reduce red tape; to support the province's cities, towns and rural areas; and to improve the effectiveness of many other statutes. In short, the measures in this bill are designed collectively to continue to meet our goals and agenda for continued growth and prosperity.

I'd like to start with the investor confidence piece that's in the legislation, because as we said in the budget

in June, this government is committed to keeping our securities laws, the laws that govern people's investments, up to date and accurate so that our capital markets can remain competitive and strong. We understand that strong capital markets are very much part of a strong economy. People in Ontario have seen the fallout from the accounting scandals in the United States and that has caused them to have concerns about what may be happening in Canadian markets. That's why, on the one hand, while we have very good, strong markets in this country, we also recognize that simply patting ourselves on the back because Enron hasn't happened here doesn't mean we can be complacent. It doesn't mean we cannot respond to the expert advice and opinions we've been given in this field.

That's why we're going forward with what we believe is a balanced, made-in-Ontario package, if you will, one that reflects the situations here in this province, what our business community is like. We think this package of reforms in this legislation will actually support investor confidence in our markets.

Part of the advice we received that formed this legislation was from the five-year review committee, very ably chaired by Mr Purdy Crawford, I might say, the first comprehensive review of the Ontario Securities Act. We received many constructive recommendations to improve the regulatory framework. Much of what is in there has shaped what is in this legislation, as well as other consultations.

If passed, the bill will institute tougher penalties for securities infractions and set higher standards for public companies in order to protect public confidence and to maintain the competitiveness of our markets. We're raising maximum court fines, for example, from \$1 million to \$5 million. We're increasing prison terms for those guilty of fraudulent practice in our markets, from two years to five years less a day, for these kinds of infractions. We're also allowing profits that may have been gained through this kind of behaviour to be returned to investors.

Other amendments in the legislation will include a consistent increase in fines for illegal insider trading. The Ontario Securities Commission will have the ability to set rules for audit committees for their functions and responsibilities so we can have strong, independent, accountable audit committees in our businesses. The legislation will expressly prohibit market manipulation, making misleading or untrue statements, to be clear that these activities are not tolerated in this province.

The Ontario Securities Commission will be able to review the information that public companies provide to investors. That authority is clearly laid out in the legislation. It will give investors the ability to sue, expand their right to sue if they have been the victim of fraudulent activities, misrepresentation.

This legislation, if passed by the House, will provide the securities commission with rule-making power to require that CEOs and CFOs can be accountable for certifying the financial statements of their companies.

I'd like to say, because I know there has been some potential misunderstanding about the securities commission's authority in terms of rule-making, that one of things I think is important is that the rule-making process, first of all, allow a very detailed and nuanced approach that can be taken to dealing with these issues, which I think is appropriate in this area. Sometimes legislation can be a bit of a blunt instrument in dealing with complex issues. It also requires the securities commission to consult, to go out to the sector, to investors, to dealers, to consumers, to all of the different groups that represent our securities sector, to consult with them about what makes the most sense. At the end of the day—

Mr John Gerretsen (Kingston and the Islands): On a point of order, Mr Speaker: I know that the minister is presenting a very important bill with which we may not all agree, but surely to goodness there ought to be a quorum present of at least government members to listen to the finance minister of this province.

The Acting Speaker (Mr David Christopherson): Would the clerks' table please check for a quorum.

Clerk Assistant (Ms Deborah Deller): Quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant: Quorum is now present, Speaker.

The Acting Speaker: The Minister of Finance may continue.

Hon Mrs Ecker: I'd like to complete the thought that the Ontario Securities Commission, as I said earlier, must consult in making rules, which I think is a very, very good process to go through. It then comes to the government. The government has the opportunity to approve this, to say that this is the appropriate set of rules, and if we have some concerns, they can be addressed. So I think that provides a good check and balance in the system.

We also understand, I think, that rules that need to be put in place in Ontario must be sensitive to the needs of the capital markets as we find them in our country and our province, and recognize that for Ontario most of our businesses are small and medium-sized businesses. That means that rules should well differ from what might occur, for example, in the United States.

That touches on some of the highlights of the investor confidence piece, which we think is very, very important for people who are concerned about their retirement savings, who want to make sure that they have the right information to make good investment decisions and that those investments are well regulated.

There is another area of consumer protection that this legislation proposes to deal with, and that, as I mentioned earlier today and as we talked about in the June budget, deals with the pressures on auto insurance premiums. Because of rising health care costs, higher insurance claims, higher vehicle repair costs and reduced investment income, we're seeing some serious pressure in the auto insurance premium area, not only in Ontario but, quite frankly, around the world. The budget indicated our

intention to introduce reforms that would help deal with this.

1610

The proposed changes are based on the consultations that occurred in the last several months. I asked a committee of our caucus—Ted Chudleigh, who's the MPP for Halton and my parliamentary assistant, a very good man. My colleague mentioned is here off to my left; not often is he to my left. Also, he was joined by another very able colleague of mine, Rob Sampson from Mississauga Centre, and Wayne Wettlaufer from Kitchener Centre. All three of these individuals have a great deal of experience and expertise and have worked quite diligently with the auto insurance sector over the last several months.

What has been quite interesting is that in their work there has been an incredible—I would say consensus. Not everybody agreed on every point, but it was an incredible working relationship for all the groups, whether we were talking about lawyers, health care providers, consumers or insurance representatives, to try to come up with a package of changes that would work to the benefit of consumers and a strong, competitive auto insurance industry. So based on the recommendations that have come forward, this legislation reflects those.

Some of the highlights: we would expand the rights of seriously injured accident victims who are not at fault, particularly children, to sue at-fault drivers for health care expenses in excess of no-fault insurance benefits. The legislation would provide for a framework of treatment guidelines that would help, especially for those individuals who might have less serious injuries, to make sure that they can have earlier access to proper medical and rehabilitation care without getting caught in endless disputes around assessments or other disputes that may occur. The legislation proposes to institute regulations that would govern the conduct of paid representatives in the dispute resolution system, because we have had feedback and input that there have been some difficulties in this area. This legislation proposes to deal with that.

It would expand the disclosure requirements for insurance agents so that consumers will have a clearer idea about which companies insurance agents represent, sometimes a very important piece of information for a consumer. It helps to ensure that uninsured vehicles can get off the road more effectively, that we can prevent that from occurring, by requiring insurers to provide information on insurance status to the Ministry of Transportation.

We think these reforms will strengthen the auto insurance system in Ontario and benefit the consumers who depend on it. We look forward to continuing to work with all of the representatives in this sector, not only on implementing the legislation, should the will of this House be that it pass, but also to work on some of the regulations that would be required under this legislation. We hope that in that spirit of working together we can continue to resolve these issues in a very speedy fashion. I would like to thank my three colleagues—Rob, Wayne

and Ted—who have spent so much time on this. It has been very helpful for this government. They have indeed done a superb job. I hope their constituents recognize that.

The other issue that we talk about in this legislation addresses the issue, of course, of some aspects of pension reform. There are many, many issues in pension reform that I know from employees' perspectives and from employers' perspectives need to be addressed. This piece of legislation just deals with one particular aspect of that. The government felt, after the consultations that we held on this—for example, we had had a consultation paper that went out last summer. We talked about the need to move forward on this in the year 2000. There was a consultation paper out last year. There was work done and submissions based on that had occurred among, again, employers and employees. All representatives had presented to the ministry their recommendations about how to deal with this—

Mr Peter Kormos (Niagara Centre): Point of order.

The Acting Speaker: Would the minister please take her seat.

Mr Kormos: I don't believe there's a quorum, sir.

The Acting Speaker: I'll have the clerks check for a quorum.

Clerk at the Table (Mr Todd Decker): A quorum is not present, Speaker.

The Acting Speaker: Call in the members. This will be up to a five-minute bell.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Acting Speaker: The Minister of Finance may continue.

Hon Mrs Ecker: To finish my comments, I'd just like to say that on the pension issue we're moving to protect the pension benefits of all current and former employees by protecting the long-term viability of pension plans and their surpluses. I think it's important to stress that nothing in this legislation affects the earned benefits of pension plan members or retirees, and the purpose of the legislation is to provide more flexibility in how employees, employers and plan members negotiate surplus-sharing agreements, which had been severely restricted by recent court cases. That is one of the reasons we're moving forward on this.

There are many, many other items in this legislation giving municipalities the opportunity to invest in their infrastructure through opportunity bonds and low-cost bonds, and giving those municipalities that have been struggling to get investment, new jobs and new businesses in their community the opportunity and some assistance through tax-free incentive zones. That is also in this legislation. Continuing to move forward with our plan to have reduced and more competitive taxes in Ontario is also included in this legislation.

We believe it is something that is important for this province to move forward on our agenda of growth and prosperity, and we certainly hope the members of this

House would see fit to pass this legislation. I know that in the ensuing debate my caucus colleagues will go on at great length about some of the other issues that are in this legislation.

The Acting Speaker: I see the member from Simcoe North standing. I gather you're going to continue the leadoff speech for the government. Is that your intent?

Mr Garfield Dunlop (Simcoe North): Yes, Mr Speaker.

The Acting Speaker: Very well. You now have the floor.

Mr Dunlop: It's an honour for me to rise today to take part in the debate on Bill 198, the Keeping the Promise for a Strong Economy Act (Budget Measures), 2002. I'd like to congratulate our honourable Minister of Finance for bringing forth this piece of legislation and as well for her hard work as an MPP in our caucus. I've had the privilege in the past of sitting as Minister Ecker's parliamentary assistant, and it's certainly one of the highlights of my political career to be able to work with Minister Ecker. When the opportunity came for Minister Ecker to become the Minister of Finance and to have the option of delivering the fourth consecutive balanced budget in a row for the province of Ontario, I was very, very happy for her; and of course she has done that.

As you know, this important piece of legislation that we're bringing forth today would implement a number of commitments announced by our government in the 2002 budget. I'd like to go back for a few moments and talk a little bit about our budget for 2002.

1620

As I said earlier, as a new member of this House, I've been fortunate because every year I've been here, when a budget was brought forward, it's been a balanced budget. Our budget this year is the fourth one in a row and we are extremely pleased. I see my friend Mr Gill nodding his head here. It's something we are very concerned about. As Progressive Conservatives, we know the importance of balanced budgets. We know the importance of job creation. With investor confidence at an all-time low in many political jurisdictions around the world, we know how important it is for governments of all political stripes, no matter where they are, to try their best to actually deliver balanced budgets.

I'd like to speak a little bit on some of the highlights of the budget and then go into a little bit about the reforms under Bill 198 that deal with Ontario's auto insurance system. First of all, going back to the budget, I was fortunate that Minister Ecker was able to use my office for some of the rollout of the budget this year. When she did some of her press conferences and meetings with the media immediately after the budget, she used my office for a lot of that, and I was pleased to be part of that.

The first budget of our new Premier, Ernie Eves, is sensible, prudent and clearly focused on keeping Ontario prosperous and strong, and, at the same time, trying to maintain the services that are most important to the citizens of our great province. Since 1995, we have

worked hard here on this side of the House on behalf of Ontario families to build a strong foundation of prosperity, jobs and economic growth in the province. Recent events have tested the strength of that foundation. We are pleased that, as a result of the 2002 budget, Ontario does remain strong to this day.

The announcement last month of the new jobs in our country was so important. In the month of September, 32,000 new jobs, or 80% of the jobs created in the whole country, were created right here in the province of Ontario. We look forward to the day—and we hope it's in the very near future—when we can actually say a million new jobs have been created since our government came to power in 1995. I think that will be a day for all Ontarians to be extremely proud of.

In the last year or so, as an aftermath of September 11, 13 months later, the United States, our largest trading partner, experienced a sharp economic slowdown. Ontario exports fell in that year and we encountered a slight recession, similar to the one in 1991. Added to this hardship, Ontario and all provinces continue to be shortchanged by the federal health and social transfers. They've actually failed to keep up with rapidly rising health care costs, the expansion of post-secondary education and the need to protect vulnerable people in our society.

We're very enthusiastic and looking forward to the announcement of Mr Romanow's commission, when he'll bring forward, hopefully, the recommendations relating to health care later on either this month or in December. We hope that will lead to an extremely productive first ministers' conference as we head toward the spring of next year. I believe there's something scheduled for January or February for the first ministers. Health care is a national priority. Again, we're dealing with the budget and the rollout from that budget. While the number of senior citizens is growing like never before in our province, the ever-expanding job of caring for our parents and grandparents through home care falls solely on the shoulders of the provinces. We're hoping, again, as we go toward the Romanow report, we'll see some recommendations in there for some help from our counterparts in Ottawa.

While Ontario is the economic engine of Canada, Ontario workers and employers continue to be unfairly overtaxed through excessive employment insurance premiums. That's a known fact. Especially here in Ontario. Our workers are penalized and we basically pay the employment insurance for a number of the other provinces in this country.

After September 11, this government took swift action to protect our hard-fought gains by accelerating tax cuts. That happened last year. Today our decisive action is beginning to pay dividends. Ontario is now poised again, even today, to lead growth as we move forward to a brighter future that is upon us. We have kept Ontario strong and we remain committed to the priority programs that matter most to real Ontario families. Those, of course, are health care, education and the environment.

We will continue to find efficiencies elsewhere in government spending as we head toward the future in many areas.

One of the key commitments of Bill 198 is the commitment concerning reforms to Ontario's auto insurance system. These reforms are designed to strengthen the province's auto insurance system and provide greater protection for our consumers.

At this time, it is my pleasure to provide some details about our government's next steps in our continuing efforts to improve the auto insurance system here in Ontario. As some of you may know, our government has a long-standing commitment to protecting consumers. Auto insurance is one area in which we have focused on consumer protection.

Since our election in 1995, we have moved forward with important reforms to improve the auto insurance system. In 1996, for example, my colleague Rob Sampson introduced Bill 59, the Automobile Insurance Rate Stability Act. Insurance rates for drivers, which had been increasing annually by double digits, declined substantially after that act came into force on November 1, 1996. Most jurisdictions experienced, and are continuing to experience, much higher rate increases than the province of Ontario. In Ontario, rates declined 12.5% between 1996 and 1999. Ontario rates have only recently returned to 1996 levels and are now only 6.9% higher than when Bill 59 was introduced by us in 1996.

That was an important piece of legislation and part of our commitment to the people of our province. That commitment continues to this day. We have continued to look for improvements, for new measures to strengthen our system. We have made commitments to improve the system by attempting to moderate cost and ensuring fairness in the system.

For example, we are phasing out the retail sales tax on auto insurance premiums, which was 5% when we came to power. That tax is currently at just 2% and will be completely eliminated by April 2004. We have made changes to the regulations to eliminate what we would call double dipping, where claimants receive both Canada pension plan disability benefits and auto insurance benefits. Some claimants were receiving more money for being injured than they had been before they were actually injured. The system is now fair for injured claimants as well as for all vehicle owners who pay their insurance premiums.

We have streamlined the process for settling a claim. We clarified and simplified requirements so consumers can make informed decisions on settlement offers and insurers can save administrative costs. As a result of our efforts, the Financial Services Commission of Ontario, FSCO, now has a more improved, more efficient rate filing system that saves administrative costs for insurers. Insurers must still obtain approval from FSCO to increase their rates.

Finally, we have continued with consultations led by my colleagues Ted Chudleigh, who is here with us today, Rob Sampson and Wayne Wettlaufer, on how best to

improve the auto insurance system. They have held consultations and received submissions from many, many interested parties across our province, including consumer groups, insurers, brokers, health care providers and the legal community. These consultations have gone well and were completed in October 2002, just a few weeks back. In the 2002 budget in June, we announced our commitment to move forward with reforms once consultations have actually been completed. We are now ready to implement reforms based on input from both consumers and the auto insurance industry.

1630

With the measures included in Bill 198, we are now implementing an action plan that focuses on three key areas. The first area is increasing support for innocent victims whereby we will improve the delivery of treatment and people's rights to sue for benefits. In protecting consumers we want to ensure that consumers get credible information and that their interests are in fact protected. Finally, we are taking steps to ensure that the industry is competitive so consumers have real choice available to them. I'm sure you all agree that these are very, very important objectives.

These reforms are necessary because there are serious challenges facing the industry these days. Throughout North America, and across the world for that matter, insurance premiums are rising. In Ontario, rising premiums are due to factors such as rising health care costs not covered by OHIP and increasing expensive vehicle repair costs. I don't think most people are aware of just what the impact was on insurance companies and the insurance industry as a result of September 11, 2001. I just had a case the other day—I've had a couple recently, of small companies that have come forward and they're having a real problem getting insurance. They're actually asking me to look into whatever I can find or additional names that they could use to try to get insurance because a lot of the larger companies are just not underwriting a lot of the small companies as a result of the large payouts they made as a result of September 11. In fact, there are many, many lawsuits and credits still to go to people who died in September 11 and to pay for some of the costs of the demolition that was done during that period. So September 11 has had a major impact and a lot of small businesses are hearing that, and it's something that I think everyone across this planet has to look into because it certainly has been something that we didn't expect to see but has had a major impact.

We must move forward with measures to keep insurance premiums competitive while providing stronger support for our consumers. Today I am pleased to address the details of our action plan as included in Bill 198 and ask everyone in this House for their support on this particular bill. To begin with, Bill 198 would provide more support for innocent accident victims. If approved by the Legislature, our reforms in this area would include, first of all, expanding the rights of injured people to sue at-fault drivers for health care expenses in excess of no-fault insurance benefits. Currently, innocent vic-

tims are unable to sue at-fault drivers for excess health care costs unless they suffer catastrophic injuries. The government's proposal would expand the right for innocent victims who sustain a serious or permanent impairment to sue at-fault drivers for health care expenses in excess of insurance benefits.

The second point on that is that we would also expand the right to sue for health care expenses for injured children. That can be a very, very serious issue, as you know, when someone very young gets hurt and it has an impact, not only on the child but on all members of their family and on their education, as they may in fact be in the hospital for months and months at a time.

The third measure would also improve service to accident victims by ensuring speedier access to medical treatment through the introduction of treatment guidelines for specific injuries. Currently it takes longer for some people with certain injuries such as whiplash to get treatment because of disputes over the need for treatment. We intend that this measure set clearer guidelines for those injuries and help promote quicker access to proper treatment by eliminating prior approval by insurers.

Fourth, we are also looking to provide greater consumer protection. This would include measures to increase consumer awareness by requiring insurance agents to disclose which companies they represent, as brokers now must do. Currently, some consumers may not be able to distinguish between services provided by brokers and those actually provided by agents. Consumers may assume an agent has the ability to compare products and prices from different companies when in fact the agent only represents one company. This measure would ensure that consumers will be better informed about who insurance agents actually represent. It would also give consumers a clearer idea of what services are going to be provided.

Finally, we are moving forward with measures to ensure the auto industry remains competitive. These measures, if approved by the Legislature, would include controlling costs through the elimination of double-dipping. The government is planning to eliminate double-dipping by injured victims who win court awards for loss of income and then receive money from other sources for that same disability. This can mean that the compensation is greater than the losses experienced by the injured party. Situations like that simply add costs to the system for everyone who pays premiums while allowing a few people to double-dip. The government measures, if approved, would require the courts to deduct income replacement benefits received from another source.

Another issue we are trying to address to improve the auto insurance system is in the area of deductibles. There is a \$15,000 deductible, or \$7,500 for Family Law Act awards, applied to court awards for pain and suffering to discourage frivolous lawsuits. During consultations, Mr Chudleigh and Mr Wettlaufer and Mr O'Toole all heard that the deductible simply decreases the awards for the most seriously injured.

Interjection.

Mr Dunlop: I'm sorry, I've made a mistake. It was actually Mr Sampson, not Mr O'Toole, on that.

We therefore propose to eliminate the deductible for large awards over \$100,000; \$50,000 for Family Law Act awards. We do not propose to apply the deductible to court awards for health care expenses.

Lump sum awards currently may be adjusted upward so that after income tax is paid on the investment income from the award, the claimant is left with the amount of the lump sum award plus the investment income. We propose to clarify the provisions in the act such that court awards that are paid in instalments over time rather than in a lump sum are not to be adjusted to an upward position. The interest or other income from investing these awards should be taxable.

Changes are also proposed to the motor vehicle accident claims fund, which provides auto insurance benefits for those involved in an accident who did not have any other policy to cover their losses. We are ensuring that the fund's resources are correctly directed—in other words, it will no longer pay statutory accident benefits for accidents that happen outside of our province. In order to ensure that injured individuals do not experience an interruption in their flow of benefits in the event of an insurer insolvency, it is proposed that the motor vehicle accident claims fund take over payment of no-fault benefits to claimants. Any costs incurred by the fund will be recovered from the auto insurance industry. As a result, this measure would not increase the fund's operating costs.

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Ours is a balanced package of reforms, addressing many of the concerns we heard throughout our consultations. These reforms would enhance the auto insurance system in Ontario and benefit the consumers who depend on it. These reforms would keep rates from rising as much as they would have without any government action. These reforms would also help ensure the system is fair and effective.

That is why I would ask everyone to support Bill 198. I know Minister Ecker has put a great deal of effort into this legislation. I have confidence not only in Minister Ecker but in the great staff she has around her and the great people who work in the Ministry of Finance, who year after year work diligently with the Minister of Finance, cabinet and our government caucus to make sure we deliver a budget that works well for our strong and thriving economy.

With that, I'd like to thank you for the opportunity to say a few words today. I believe Mr McDonald and possibly Mr O'Toole will be making a few comments to follow my statement here as well.

Mr AL McDonald (Nipissing): In the June budget, the government announced pension surplus reforms. This was in response to concerns expressed by the pension community, pressing for legislation to address pension surplus. The pension community, which includes pension plan administrators, plan members, pensioners and employers, was reacting to recent court cases—which we all

know—which called into question the effectiveness of the current surplus distribution scheme and have made it difficult for many employers to negotiate surplus-sharing agreements with their employee members and pensioners, and led to legal uncertainty regarding the rules governing partial pension plan windups and pending resolution of the Monsanto case. Following this case, employers were being forced to distribute surplus on partial windup or delay as long as possible until the law changes. This case is still being considered by the Ontario Court of Appeal.

There is the concern about this case because, if it requires employers to distribute surplus on partial windup, members affected by partial windup may receive surplus even if the continuing members, pensioners or anyone who is terminated for other reasons may never receive surplus. Indeed, depending on circumstances, distribution of surplus on partial windup may jeopardize the basic benefits of the continuing members and pensioners.

Before this case, the pension community understood that employers were able to choose to distribute surplus or retain surplus in the plan on a partial windup. Employers routinely chose not to distribute surplus and were not required to do so. This case has thrown doubt on that practice, which employers thought was authorized by law.

There is a hard-working MPP from Durham named John O'Toole who has worked on this bill for a considerable time, and he has considerable expertise. What I would like to do, as the new member from Nipissing, is defer to Mr O'Toole, the MPP for Durham, to continue on the debate on Bill 198.

Mr John O'Toole (Durham): I'd like to thank the member from Nipissing. People on this side have worked and tirelessly. I look at Rob Sampson and Frank Klees, who both worked tirelessly on this. I think the member from Bramalea-Gore-Malton-Springdale has had an opportunity to work on this. Mr Chudleigh, of course, is currently working on it and continues to do great work because there's always more to be done. Minister Elliott has probably worked on this too. In fact, Wayne Wetlaufer, the member from Kitchener Centre, has worked on it as well.

If I have enough time—and with only 17 minutes, I don't think there is enough time. I was particularly intrigued because when I was PA to finance under Minister Flaherty, like other members I have mentioned, there were considerable consultations on auto insurance reform, which Mr Sampson, to his credit, started. There were commitments in that discussion to have a review in two or three years, and it's long overdue. So this government, in keeping with its commitments—which is its moniker: doing what it says, keeping its promises—is certainly moving forward under this current bill that we're discussing today.

There are a number of sections in the bill. For those viewing, when you look, it's a fairly large bill. I like to give you a physical kind of representation. It's about 146 pages. It's half French, so that means it's approximately

73 pages in English, give or take a few pages, with a preamble. But if a person looks at this, it's really about having a strong economy while at the same time, in the specific sections of the bill—and I'm going to address just two of them—"consumer protection" is the first term that comes to mind.

Just to follow up on the member from Nipissing, who in his comments was talking about the Pension Benefits Act, as I recall, when I met with the pension groups there was a lot of discussion in a broad sense about pensions, about moving toward a defined contribution plan. Now, there's a difference here between a defined contribution and a defined benefit. It's just language, but in the essence of it all, it's a substantive change in what the pensioner actually receives, because if your defined contribution happened to be in Nortel, you have no pension. It's that simple.

So defined contribution is quite onerous. I know people like to have choices, especially young people. They think the world is a bowl of cherries, and it is of course as long as we're in government. But I think in the broadest sense the defined benefit plan is probably far more enticing for the more conservative-minded investors, or employees in many cases.

In fairness, the employer, who in many cases takes the risk to underwrite in a negotiated contract relationship with employees—or takes pretty well all the risk, because if they're entitled to so much a month, then pretty soon you've spent your house, you've spent your cottage, you've spent all your future options and you're running out of business, but you still owe to the pension plan as an employer.

On the pension benefit thing, the groups that I felt most compelled to listen to were the retirees. They had worked under a certain set of assumptions. If there's a great surplus today, some would argue that in their 20, 30 or in some cases 40 years of service they had made contributions and their contributions had set up a little nest egg which then during good times had earned great premiums. So the argument could be made that they probably created the bulk of capital in the investment plan and as such have, I think, an entitlement, even though when retired their voice may not have been appropriately recognized.

One of the groups I met with that I felt the most connection with—of course, I'm of pension age so it's always close to my heart. Except there's not one here, provincially. I hate to get off the track, but I hope people realize there is no provincial pension. There is no pension plan for provincial MPPs. I think some of the pages didn't know that.

The point I'm trying to make is that at the University of Toronto retired professors who had worked to build that great institution came to me and explained that with all their trust funds and with all their pension contribution holidays—and that's the trick here—these pensioners were in many cases living in rather dire circumstances. These are professors of philosophy, professors of physics who had built the great bastion of U of T and now they or

their spouses find themselves living in pretty odd circumstances.

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Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Good school. I went there.

Mr O'Toole: Raminder Gill from Bramalea-Gore-Malton-Springdale got his master's degree in chemical engineering, I believe.

Mr Gill: Yes.

Mr O'Toole: I hope you didn't sniff any of those chemicals, because it's dangerous working in those labs.

I also graduated from the U of T and thank many of the professors who taught me, as best they could. Of course, you had to attend classes to learn anything. I had a lot of empathy for that particular group and I believe this legislation goes a long way to strengthening the voice of the retired community.

There's another very famous case: National Trust—what was the bank?—and the merger that occurred. That National Trust group got kind of early retired and there was a huge surplus—

Interjection: Bank of Nova Scotia.

Mr O'Toole: Was it Scotia?

Hon Brenda Elliott (Minister of Community, Family and Children's Services): Victoria and Grey.

Mr O'Toole: Victoria and Grey. That's it. Pardon me, my mind is, as you get older—it's called Alzheimer's, I think.

In sincerity, they appealed to me as well. What happened, in my view, was there was an attempt to wind up when the two entities merged, and the National Trust employees, in my understanding, ended up with not a very specific voice in sharing the surplus at that time. If I look at this legislation, I'm convinced that we've moved toward any redistribution of any perceived surplus or actuarial surplus—that there needs to be a two-thirds vote of all members of the pension plan. As such, I think those organizations will become stronger over the years.

I cast that net even further. As companies do well, I know that often during negotiations the CAW and others look after their employees so that there's some incremental benefit to the people who are on a pension. I think that's important because in many cases people are retiring in their 50s to 60s, maybe very early 60s. I think that's too early, myself. A good example is Mr Chretien. He's not retired. He plans to stick around longer than necessary. He's not retired, but he'll get a great pension anyway.

Mr George Smitherman (Toronto Centre-Rosedale): That's out of order.

Mr O'Toole: That's not out of order. It's the truth and the truth is never out of order in this place. Some have made the argument that he has retired, that he's just still there, but that's another issue.

I still go out to the seniors who will be living longer, thanks to the great health care system we have in Ontario, and with that they could possibly live into their pensioned years for longer than they worked. Just do the numbers: if someone started in the generation when you

perhaps didn't need a university education—I'm talking of the 1940s and 1950s—and then they worked for 25 or 30 years, say 20, and they retired at 50-something—that's impossible. Most of them are going to live to be 80 and they'll be retired longer than they worked.

I've looked at it quite sincerely. I hope this is in order. My wife is a teacher, and many of the members of my families are teachers. This isn't personal, although I could mention their names. I look at it this way. When you work in teaching, in the first 20 years of teaching they didn't make \$20,000—I'm talking about a specific case I know—and in their last 10 years, under the Liberals and the NDP, their salaries went up to some \$40,000 and some \$50,000. Now I think the average salary for a teacher—I'm not teacher-bashing. Some of them should make \$100,000 a year; some should make \$4. The point I'm making is that in the last 10 years they would maybe make \$30,000, \$40,000, \$60,000, and their pension is based on their best five years, so if the pension is 70 factor of \$60,000, then they're making about \$40,000, and that's more than they made for the first 25 years they worked.

In their pension contribution, which is significant, about 9% of payroll, in the first 10 years of retirement, at 55, not at 65, they've earned out all the money they ever contributed, and they're only 65 and they're going to live to be 85.

Guess why they have a problem with the public sector pension plans, unless of course Nortel re-emerges with a \$120 stock. Do you understand? We are the underwriters of all the public sector pensions: that's the OMERS group, a huge problem; HOOPP, the hospital pension plan; the teachers' pension plan—the main contributor to that, the only payer, is the taxpayers of Ontario. When those plans run into problems, the liable party is the government, the taxpayers of Ontario. Let's hope the market keeps going up, is all I can say. We all know the demographics. There's a huge whack ready to retire.

Honestly, on closer examination, you'll see that most of the public sector plans have been on a contribution holiday. OMERS, the Ontario municipal employees retirement savings plan, has been on a contribution holiday, saving the municipalities hundreds and thousands and indeed millions of dollars. In fact, the payroll—that's the actual take-home pay—has been reduced by as much as 9%. When those plans don't have a surplus and they have to go back to making their contributions, they have huge future implications for hospital, school and other public sector pensions. I just put that on the record as part of the debate on the pension entitlement attitude we have today.

I believe this bill goes a long way to addressing the responsibility of the employer—I do not neglect that—and indeed the responsibility of the employee for the tracking. I got into the details of tracking former employees. Anyone who established an employment relationship with a company 25 years ago is theoretically entitled to a pension once they reach pensionable age. Who is going to track all this information? Who is going to notify them

when there are partial or full windups of plans? There's a significant amount of work to be done on the Pension Benefits Act. As I said in the beginning, and will conclude those remarks, with respect to the pension benefit portion, I am most concerned that the voice of those major contributors, now retired, is recognized. I want that to be understood as the main point I'm making.

The budget bill proposes to deal first with reform of the surplus distribution under the rules of the Pension Benefits Act and its subset, the reform of surplus rules for partial windup, which I've just mentioned. In 1991, Ontario introduced a surplus regulation, a temporary measure to regulate surplus withdrawals based on a negotiated agreement from defined benefit plans. Again, I've mentioned defined benefit plans as opposed to defined contribution plans. Those are very important words, and the public should be aware of them. When you're a young person being employed, watch whether it's a defined contribution plan or a defined benefit plan.

Pending the development of a more permanent solution, the regulation was renewed in 1994, 1997 and 1998. Other governments have dealt with this. It's a very complex, very touchy issue, and it's my understanding that it expires December 31, 2002. Something had to be done, and this is the government that decided to move forward with, I think, a very balanced approach of making sure that consulting all the stakeholders or shareholders is indeed on track.

The extension of the regulation preserves the current situation pending the drafting of new surplus rules. Merely extending the regulations for a period, however, would not maintain Ontario's surplus sharing tradition, as recent court cases have restricted the ability of both employers and employees to enter into surplus sharing agreements.

I'm going to stop there for a moment. This whole idea of a surplus in a pension confounds me. I don't know of anyone, including Mr Phillips and Mr Kwinter, who are both quite respectable finance people—tell me what a surplus is. It's an actuarial mathematical formula that doesn't mean squat in the overall marketplace; otherwise we'd all be millionaires. These are forecast expected returns that, as we see in the case of Nortel and other kinds of failures in institutions, are only estimates. If you start spending that surplus that I've just described in OMERS, there is no surplus left. In fact, there's a shortfall in the Ontario teachers' pension plan. No one has talked about it, but I can assure you from very good advice—actuaries etc.—that there is a significant bump in the road coming, because the plans have not performed as the pension actuarial forecasts have predicted. Who is going to be stuck paying the bill? The taxpayers of this province are going to be stuck paying those defined benefit plans.

Before the regulations entered into, the pension surplus was determined mainly by the courts in numerous lengthy and high-profile winner-take-all legal actions. For many years, and based on regulations, employers could withdraw surpluses where they had the agreement of pension plan members. The recent Divisional Court

decision of *Tecsyn v Superintendent*, released in May 2000, has restricted the effectiveness of surplus-sharing agreements. That's the Monsanto decision as well. Since the decision, employers have also been forced to demonstrate that the documents that created the pension plan clearly entitled them to withdraw pension surpluses.

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Again I want to stop for a moment in the brief time left, because I'm not in favour of employers who are abusing pension surpluses either. There's an agreement made. We both contribute, whether it's 9% of payroll or the employer's contribution. That surplus, I believe, in perpetuity has to survive the people who made the contributions.

Very few pension plans contain clear provisions entitling the employer to a surplus. As a result, few surplus distribution agreements have been negotiated between employers and pension plan members and pensioners. A surplus consultation paper, which I participated in, was released in July 2001, and 78 written submissions were received. We met with many of them. Most of the core proposals of the surplus consultation paper received broad-based support, and from the basis of the proposed surplus reforms, the informed stakeholder discussions announced in the budget took place in August 2002. Representatives of employers, plan members and pensioners participated and gave positive feedback on the modified proposals prepared by our Minister of Finance and staff. The reforms are also consistent with those in many other jurisdictions in Canada where surplus-sharing provisions have been enacted, similar to Ontario's 1991 regulation.

In the very few minutes left, I would like to explain why it's vital that we support the reforms to the Pension Benefits Act. I would say it is committed to maintaining public confidence in the future of their savings—very important. That includes pension benefits and a fair balance between the interests of the employers, plan members and indeed pensioners, as I have stressed throughout my remarks. Their concerns are legitimate and must be responded to.

We have also just recently proposed new measures to strengthen the Ontario Securities Commission, our securities regulator, so that securities violators would be dealt with firmly and promptly. Having effective capital markets in this climate of dealing with pension plans is an extremely important part of that capital market. As I said earlier, several Canadian jurisdictions have similar surplus-sharing agreements. The proposed surplus-sharing reforms provide a framework for the parties to come to their solutions on surpluses and avoid expensive litigation matters.

This budget and the few remarks I have made and that the minister, Janet Ecker, made earlier today are important to keeping confidence first with strong leadership from the top, Premier Ernie Eves, as well as Finance Minister Janet Ecker, so the people of Ontario and others in the economy, including the current House leader and Minister of the Environment and former Minister of

Labour, Mr Stockwell, former Speaker of this House—the previous government, I mean. We are keeping our promise to stay on track. There is more to be done. I am anxious to hear the critics on the other side and their response, in a general sense, to this budget bill, a very lengthy document, as I said before, with about 25 sections. We've just touched on one. Thank you for your time.

The Acting Speaker: Questions and comments?

Mr Monte Kwinter (York Centre): I'd like to comment on the member from Durham's comments. It's kind of strange, or as the phrase is that comes from the other side, "passing strange," that he seems to be advocating a defined benefit plan, as opposed to a defined contribution plan, when in fact this government took the defined benefit plan away from the members of this Legislature and gave them a defined contribution plan.

The other thing that I'd like to talk about is that he says, "Where does this surplus come from?" When you're in a defined benefit plan, it's the obligation of the employer to make sure the plan is actuarially sound. So what they do is put money into it to make sure that is the case. If, under actuarial estimates, there is far more money in the plan than is required to meet those commitments, they are, under the system, allowed to take it out.

The concern I have is that you are talking about changing the rules—and I have no problem at all; make it effective at the time this legislation comes into effect. But to go back to 1988, 14 years, to say, "What you did 14 years ago is going to be impacted by this particular bill," really creates some problems for me. What you are really doing is playing games with the people who had an obligation to make sure their pensioners were looked after. They were the ones who took the risk. What you're saying is, "We don't want it to be equal. If the pensioner loses money, then they have to go back and compensate for that." I really have some concerns with that. I totally agree that we have to address it if it is, but I really have some problems with saying we've got to go back to 1988 and, in 2002, impose obligations on people who entered in good faith in 1988.

Mr Kormos: The minister, when she made her comments, made reference to yet another kick at the can by the insurance industry when it comes to amendments to the legislation which determine the rights—few, if any—of innocent victims and insured automobile owners. She neglected to tell us, because the industry has been quite clear that notwithstanding they're getting their way again, there are still going to be double-digit premium increases.

The industry one day will insist it's the result of fraud. The next it will change its mind and say no, it's the result of the increase in medical rehabilitation costs. The next day it'll indicate no, it's a result of the impact of 9/11 on reinsurance costs. The next day the industry will indicate no, it's a result of the bear market and their not being able to get any returns on their investments. Why should auto insurance premium payers have to subsidize the

insurance industry just because the insurance industry bought Nortel at \$50 on the way down? I don't think and New Democrats don't think that's fair. We don't think it's kosher. Quite frankly, this government has a lot to account for. But at the end of the day it's not so much about the government not getting it right; it's about the industry not getting it right.

This is an industry traditionally with short arms and deep pockets. They've been gouging Ontario premium payers. The data are clear, because all of the same stresses that the Ontario industry talks about are surely present in other provinces, including British Columbia, with the Insurance Corp of British Columbia. The ICBC acknowledges an impact of 9/11 on insurance premiums, but there the impact is but 7.4%, as compared to the more than 13% argued by the industry here in Ontario. Clearly the industry is not being truthful with consumers, auto insurance premium payers here in Ontario. I suspect the industry isn't being truthful with this government that is working so hard to serve them.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Did anyone else have a flashback there to when the good member for Welland was on his feet for 17 hours, talking about the insurance industry and what a terrible operation was going on? Horrible things were happening. Then what happened? They got elected and they got into government. Their plan in the Agenda for People was public auto insurance. No more private companies.

Mr Kormos: You were no help.

Hon Mr Stockwell: No, I didn't think the plan was a good idea. That was your plan. You, Bob Rae, Mel Swart and all your friends were really high and gung-ho. What happened? They had five years in office and they didn't do it. The insurance industry got worse and worse. They had nothing, not a thing, after all these 17 hours that we had to sit here and listen to the member opposite go on about the terrible insurance industry.

I had a bit of a flashback there. I know Mr Kwinter and Mr Phillips would understand exactly that flashback that took place.

Mr Kwinter: I was the minister responsible.

Hon Mr Stockwell: You were the minister responsible when the 17 hours—gosh, for five years what did they do? He was even the minister in charge. You were the minister in charge, remember?

Mr Smitherman: He was there for a week.

Hon Mr Stockwell: No, he was there months. He was there long enough to have his office swept three or four times for bugs. That's as long as he was there. What did he do? Nothing.

I've got to tell you, the Rob Sampsons of the world came to our defence and saved us. They ran up a good piece of legislation, passed it through this House and put a real wet blanket on that issue. There needs to be some constant tweaking, you're right. But you've got to admit, the member for Welland, in the last five years that issue hasn't even been anywhere near the level of concern in the public as it was when Mr Kwinter was in charge and

when you were in charge. So I had a flashback. They say if you can remember the 1960s, you didn't live them. I feel the same way about auto insurance.

Mr Smitherman: In a little bit I'll have a few more minutes to talk to some of the content of this bill, but I wanted to speak in response to the lead debate by the minister and three of her colleagues on what wasn't mentioned in their speeches.

This is really a camouflage bill. Under the guise of restoring investor confidence and dealing with auto insurance, what this bill does is raise taxes and it repudiates decisions of the government in the past. It camouflages and masks the fact that the government had to go to extraordinary lengths, because to raise the taxes in the way they propose, by delaying them, is to break their own law. So in the provisions of an enormous bill, they had to bury that element and they will through the course of this debate seek to do so.

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I guess that's why the Minister of Finance in her very brief lead remarks had a very difficult time keeping quorum and keeping the interest of the members from the government party, because the seven-year rhetoric line came to a crashing end when, in their budget, the government had to repudiate their own policies and delay those tax increases.

In just a few minutes, anyone listening at home will have a chance to hear from a man so much better qualified to be the Treasurer of this province, and he will tell you it is time to put an end to the plan for those corporate tax cuts, to put an end to that private school tax voucher, which threatens to take hundreds of millions of dollars away from public schools in Ontario.

For Ontarians listening at home, I want to let you know in the clearest terms possible that the real story is the story you will hear from the Liberals on this side of the House, and not from the government party, which in an hour of lead time failed to live up to the fact that their budget repudiated their own policies.

The Acting Speaker: Thank you, and before that momentous occasion occurs, we have an opportunity to hear from one of the original speakers for up to two minutes. The member for Durham.

Mr O'Toole: I'm pleased to respond to the members from York Centre, Niagara Centre, Etobicoke Centre and Toronto Centre-Rosedale.

I want to reply, because I think it's important to know there are two new sections, 79.1 and 79.2, that govern the payment of surplus to employers and other prescribed persons out of the continuing pension plan or a pension plan that is being wound up in whole or in part. Section 79.1 creates a mechanism on the payment of surplus to them on the basis that they are entitled to the surplus. Section 79.2 creates a mechanism that applies when the employer has obtained the consent of two thirds of the members and former members. That's a very important clause. It could be missed in the broader debate. If I listened to the member for Toronto Centre-Rosedale, there would be no content at all.

On the broader question, this bill, like many of the other sections of the bill, actually addresses many things that have been neglected for years—auto insurance, as Mr Kormos would know. This legislation deals very clearly with marketplace realities on the issue of auto insurance. He would know, for instance, that the motor vehicle accident victims fund act is a very technical menu of victims' entitlements. It provides for the process for payments out of the motor vehicle accident victims fund in respect of insurers that are being wound up, a new provision, which is required medical assessments in sections under the superintendent for uninsured drivers, a new provision indicating no statutory accident benefits for accidents outside Ontario, a new penalty provision of a reciprocal provision for payments out of the fund for non-residents. So these technical amendments—that explains the detail that is in this bill.

I commend the minister; I commend the members who have contributed to this process on doing the right thing for the people of Ontario. At the end of the day we do it, with a balanced budget, and I have every confidence we will move forward after the next election.

Hon Frank Klees (Minister of Tourism and Recreation): On a point of order, Mr Speaker: I beg your indulgence. I'm sure you will agree that you will rule this is indeed a point of order.

We celebrate our pages, and I had the privilege of having lunch with my page. He sent me a thank you note, and I just have to read this into the record.

Thanks, Minister Klees

for the magnificent lunch

My father and I had a wonderful munch

The pasta was great, as I'm sure was the sole

The salad was awesome, all set in its bowl

I'm writing this poem to say thank you to thee

It's a reason with which my dad would agree.

Alexandre Soulodre.

He will one day be in this House, debating as we are today. I thank him.

The Acting Speaker: The minister will know that's not a point of order and he may not read that into the record.

It is now time for the leadoff speech of the official opposition, and the Chair recognizes the member for Scarborough-Agincourt.

Mr Gerry Phillips (Scarborough-Agincourt): I should let the House know that I'll be sharing my time with the member for Toronto Centre-Rosedale.

As previous members have said, this is an extremely complex bill. It amends 27 different acts and creates two new acts. We're truly dealing with an omnibus bill. I happen to think it's inappropriate to do this, but the government can do whatever it wants, and I think that's unfortunate.

I want to begin by talking about some of the key elements in this bill. The first is that the people of Ontario should recognize that at the centre of this bill is the government breaking its word and increasing taxes by \$1.5 billion.

Mr Smitherman: How much?

Mr Phillips: One point five billion dollars. These were promises the government made. More than promises, they are in legislation. They were legislated commitments that the government made on corporate taxes, personal income taxes, the private school tax credit and residential education property taxes. None of the government members have mentioned it, but people at home should recognize that at the corner of this bill they were promised \$1.5 billion of tax cuts, starting January 1, 2003.

Interjection.

Mr Phillips: Mr Chudleigh is here, and his residents will be glad to hear he is supporting a bill that breaks a fundamental promise the Conservatives made. That's how they got elected. They promised this, Mr Speaker. You will know that we have said for some time they can't afford it. You are making promises you can't afford to keep. "No, no, no. We're going to go ahead and do that, because we'll get elected that way."

I was intrigued by the government's own document, which they put out at their convention, because it makes our point for us. It says on page 4, "Questions and answers"—this is a Conservative document—"How can the government justify breaking the Taxpayer Protection Act?" I would say that was the corner of what Ernie Eves believed in. The Premier believed in this Taxpayer Protection Act. I think every single member of the Conservative Party signed it, and it was right at the heart of matters. Mr Chudleigh signed it.

Mr Ted Chudleigh (Halton): I did, proudly.

Mr Phillips: But what happened? I say to the public, if he signed it and believed in it, how in the world, Mr Chudleigh, can you justify breaking it? Why did you break it? You go on to say in this document, "Because Moody's Investor Services have said that to meet the target of a fourth balanced budget, the government must delay for one year scheduled reductions in a number of tax rates." That's what we've been telling you all along. Mr Chudleigh, you're making promises that you can't keep. They may get you elected, but you're going to find that taxpayers say, "What in the world? How can I believe you? You said this Taxpayer Protection Act was something you fundamentally believed in. You signed it. You got elected on that basis."

This is not my document. This is what the Conservative Party put out at its convention to try to rationalize breaking the Taxpayer Protection Act. I'm glad you delayed the tax cuts, because you couldn't afford them. You made promises that were irresponsible. I would say that to balance the budget this year, the government is selling off key assets of the province—many viewers at home are interested in this. You merely need to get the budget document, which shows that in 1999, when the election was called, the government chose to sell off Highway 407. You can see that this line went from \$600 million to \$2.1 billion. This year, the year we're in right now, it's gone up \$1.8 billion.

To balance the budget this year, the fiscal year we're in right now, the government's going to sell off some of the crown jewels of the province. Originally, Premier Eves tried to sell off Hydro One but kind of got trapped on that; I think they're still out trying to sell 49% of it. To balance the budget this year, they've got to do that. To balance the budget next year, Premier Eves has to go against his own Taxpayer Protection Act, something that most people thought could never be touched. As they say in their own document, how can the government justify breaking the Taxpayer Protection Act? Well, Moody's, the credit rating agency, quite rightly says, "If you want a balanced budget, you're going to have to delay these tax cuts." That's what we've been telling you all along. Finally, you've admitted it yourselves in writing.

1720

To the people of Ontario, I'd say that you won't hear the Conservatives talk about this tax cut delay, which is the cornerstone of this budget: \$1.5 billion in tax cuts that were legislated, and the only way that the government can get around them is to pass legislation.

Just before the budget was presented, I was asked by a reporter, "Do you think they'll delay the tax cuts?" I said, "If they do that, I'll eat my hat because this is what they say they believe in." They say they believe in this Taxpayer Protection Act. I said, "They should delay them because they can't afford them, but they can't delay them because they signed, to get themselves elected, this Taxpayer Protection Act."

I think the people of the province—

Mr Chudleigh: Did you eat your hat?

Mr Phillips: Oh, I did eat my hat, Mr Chudleigh. I ate my hat because I made the mistake of thinking you'd do what you promised you would, but you wouldn't, so I had to eat my hat. I ate my hat and I don't mind admitting it to the public. I actually made the mistake I'll never make again of believing the Premier when he said he'd support the Taxpayer Protection Act. I'll never believe that again, ever.

When the public listens to this debate, it starts with \$1.5 billion of tax promises not delivered. This isn't promises kept; this is promises broken on the \$1.5 billion and the Taxpayer Protection Act.

I agree with the delay in the tax cuts. You can't afford them. You've made promises you can't afford and you admit it yourself. You even hand out, at your own convention, Moody's telling you that you couldn't afford it and you have to balance the budget by delaying them.

I must say I was personally offended by the budget where the government attempted to hide the number. If you look at the page in the budget that purports to explain to the public how much this tax cut delay was costing them in forgone revenue, they only reported three months. I think that was inappropriate for a government that owes the public a full accounting of its financing. We work for the public. They deserve a full accounting.

The fourth point I'd want to make is on the incompetence of the government. Today we finally got the audited statements from the year that ended March 31,

more than seven months ago. If this were a company listed on the Toronto Stock Exchange and it tried to get away with delivering its audited statements seven and a half months after the fiscal year ended, they'd be delisted. The government just today finally issued its financial statements. Why I'm particularly sensitive on this is that, when the Premier was the Minister of Finance, in 1995—I remember it very well—he made a promise actually that the audited statements would be out within four months and he was going to aim for three months. By the way, he promised he'd eliminate the two sets of books. We've still got two sets of books in the province. He promised there would be a budget delivered before the fiscal year started. This year's budget, I think, was the latest in the history of the province.

I always say to my business friends: just because they may be called Conservatives, don't assume they know how to manage the finances. Nothing could demonstrate it better than legislating tax cuts that now have been delayed and balancing the books this year by selling off \$1.8 billion worth of assets. It would be like a corporation saying, "Listen, we're going to lose money this year on our operating, but we can break even by selling off some of the furniture and some of our major assets."

The next point I'd like to touch on is one that I think is fundamental in many respects to the future of the province. This is the government which has decided that corporate taxes in the province of Ontario need to be 25% below those of our competitors in the US. I would say that this decision is going to shape the province of Ontario. We now are the most export-oriented jurisdiction in the world. Nobody relies on exports like Ontario does. Thank goodness we are able to compete effectively. Today it's 55%. Back in 1990, it was 29%. We can compete well with the US because of our business community, and thank goodness for that. But we have to make our choices very carefully as to how we want to compete with our neighbours to the south.

If you look at the budget now, the comparisons are not made to Quebec, Manitoba and other provinces; they're made to Michigan, Illinois, New York and Pennsylvania, because those are our major trading partners. Let me just say that I think competing on the basis of, "Come to Ontario because we're going to have corporate taxes 25% lower than you could get in the United States," is not a solid, long-term economic policy.

The state of Pennsylvania has had quite a few ads on television recently, and you will recall them. They say, "Come invest in Pennsylvania because we graduate more engineers than anybody else. We have three world-class universities in Pennsylvania. Our post-secondary education system is second to none. You will have the best workforce."

We have decided here in the province of Ontario to compete on the basis of corporate taxes 25% below those of the US. This is a substantial amount of money that we're talking about. To have corporate taxes in the province of Ontario 25% lower is forgone revenue of \$5

billion a year. We have decided we are going to forgo \$5 billion a year.

By the way, the federal government also supports this policy. The province has decided to forgo revenue of \$2.2 billion and the federal government \$2.8 billion. It is an enormous amount of money. That's how we're going to compete.

But if you look again, as I say, at the US jurisdictions and how they've decided to compete, it's on the basis of a superior workforce. Some \$5 billion in the province of Ontario, in my opinion, is too high a price to pay. Why we would want to compete on the basis of corporate taxes 25% lower than those of the US is beyond me.

I carry around the booklet that the province of Ontario uses to sell Ontario. This is the document: "Why Should You Come to Ontario?" It says, "Come here because of our remarkable health care and education systems, which are publicly funded and open to everyone." It also says, "US manufacturers pay on average more than \$3,100 per employee for the kind of health care coverage provided by Canada's publicly supported system, whereas Ontario employers pay \$540."

In other words, we have a \$2,500-per-employee cost advantage in our health care system. Well, there's no magic as to why that is. It is because we have chosen in this country to essentially, all of us, collectively, insure ourselves and to have a public health care system.

So I say to our business community, listen, I know that you're not going to reject corporate taxes 25% lower, but there is a huge price we pay for that. We are going to erode our health care system, our post-secondary education system and, I think, the advantages that we've had here in the province of Ontario.

I do not, for the life of me, understand the rationale of the policy. I've actually asked that question here in the Legislature probably five times. I've said to the government, "Tell me again why we need it 25% lower than the US." I can understand "competitive with the US," I can understand "modestly lower than the US," but to forgo \$5 billion? The government has never given me an answer. We have tried to refer this matter to a committee. They've never agreed to that; they've always rejected that. I believe that's a debate we need to have.

If the province were simply to forgo its tax cut, we would still have corporate taxes in the manufacturing area at 33% versus the US at 40%, and in the non-manufacturing area at 35% versus 40% in the US. If we just cancelled this corporate tax cut, we would still be dramatically lower. I truly believe we'll have to do that or put at risk education and our health care system.

On tax cuts, there's another part of this bill that I believe should be cancelled rather than delayed for a year, and that's private school funding. This is going to be at least \$500 million of funding.

1730

Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation): That's nonsense, and you know it.

Mr Phillips: Mr Flaherty, who is the architect of this, says it's not true, but private school enrolment is rising dramatically.

Hon Mr Flaherty: It hasn't happened anywhere in Canada.

Mr Phillips: We'll see. You'll get your chance to talk later on, Mr Flaherty.

Five hundred million dollars going into private schools is a fundamental mistake, for these reasons—

Hon Mr Flaherty: You can't even count. I'm disappointed.

Mr Phillips: Well, Mr Flaherty, you may get a chance to defend this position later on in this debate, but in the meantime you may want to listen to this debate. Five hundred million dollars is going into private schools at a time when our public school system needs all the support it can get. I have no difficulty with private schools—

Interjection.

The Acting Speaker: I'm sorry. Please take your seat.

I understand the odd outburst now and then, but now it's just continuous, and this member doesn't deserve that. No member does. So please show the respect that you would expect from colleagues.

Sorry for the interruption. Please continue.

Mr Phillips: Thank you, Mr Speaker. I believe that \$500 million of public funding going into private schools is a fundamental mistake. Private schools are fine, if they want to fund themselves. I just think that taking public money now and putting it into private schools is a mistake.

I've said many times in the Legislature that the area I represent is very diverse. I represent an area in Toronto, Scarborough-Agincourt, in the northwest part of Scarborough, a great place. It has undergone fundamental change. Over a 30-year period, the composition of that community has changed completely. It has gone through that change with a minimum of problems and a maximum of goodwill, but it has completely changed.

Why has that happened? In my opinion, the major reason—not by any means the only reason—has been our schools. I was at a graduation last week at L'Amoreaux Collegiate, a terrific school. They have flags in that school from 82 countries, representing the countries of origin of the student body there, religions of all sorts and backgrounds of all sorts. I spoke here one day about the Tamil community, a terrific community. The valedictorian two years ago was someone whose background is Tamil, and this year the brother of the young lady who was the valedictorian two years ago was the valedictorian.

I just mention that because for me that school is a metaphor of the value of all our young people coming together and getting to understand each other and the multiplicity of countries and religions and ethnicities. But what's going to happen now in my own area is that there are probably going to be five new high schools opening up as a result, in my opinion, of this plan of funding private schools—five new high schools, and probably end up 12.

Mr John Hastings (Etobicoke North): That's diversity.

Mr Phillips: Mr Hastings says, "That's diversity." You and I have a different view of how we build a cohesive community.

In my view, a key of that is that our young people come together, get to know each other, get to share each other's views. I just have a different vision than Mr Hastings. I understand that you can have yours, but I can have mine. Mine is different than yours. Mine doesn't support this, and mine says it's wrong. I'm prepared to debate that and defend it.

I think it's a fundamental mistake that will have profound and long-term implications for Ontario, recognizing that Ontario will continue, and thank goodness for this, to attract at least 150,000 people from other countries every single year into Ontario. We need that. But if, as they arrive, we simply divide our young people on the basis of, as I say, language or ethnicity or religion, I think it's a mistake. Mr Hastings doesn't. I will choose to disagree. I think it's a fundamental mistake, and that's part of this bill. It is a continuation of the private school funding.

I mentioned earlier what is offensive to many of us, in that this bill amends 27 different acts. It has huge changes for auto insurance, pensions and investor protection. There is this \$1.5 billion of tax delays. The \$10 million: quietly, and thank goodness for it, it gets rid of that. Remember the \$10-million gift to the Blue Jays? That's in this bill. I haven't heard the government mention it. That was the one that was quietly approved by Minister of Finance Ecker, Minister Tsubouchi and Minister Cunningham, the \$10 million that for some reason or other was quietly walked around and signed, a gift to the professional teams. That's in this bill—quietly trying to get rid of it. We certainly support that.

It is an omnibus bill. Earlier we talked about pensions. In my opinion, this bill needs to go to committee. It needs to be split out. On the pension one alone, you're going to find, and we're finding, that thousands of pensioners are going to be negatively affected by this. This bill will negatively affect thousands of people, pensioners, who have been laid off by firms. It will not only affect them, but it's retroactive to 1988. It's a matter that was being dealt with through the courts, and suddenly, I gather, the government thought they were going to lose the court battle, so now as I read and understand the legislation—recognize that this bill was introduced a mere few days ago—they will lose their rights and it will have a very substantial impact on them.

I also wanted to mention the municipal financing authority that is a new act. I remember I heard the announcement of \$1 billion of government monies going into this. I thought, "That's a lot of money and that's going to be very helpful to municipalities and infrastructure." It's \$1 billion going in, not as government funding for infrastructure but money that municipalities can borrow. It's essentially a bank loan. It caught me off guard.

The Premier announced \$1 billion to help municipal infrastructure, and the mayors, as I recall, were quite enthusiastic about it. But we find out now it's essentially just a \$1-billion loan that the municipalities can borrow against. That's fine, but it's certainly not what it was presented to be.

1740

I want to stress again as we debate the bill, that the government members have focused on auto insurance, investor protection and maybe the pensions. But they've missed the fundamental purpose of this bill—it's a budget bill, after all—and that is to raise taxes by one and a half billion dollars. I say it's to raise taxes because these were tax cuts that were legislated, promised, that the government got elected on.

You will know that the government often says here, "Well, you didn't like those tax cuts." No, we don't like the corporate tax cut; we think it's a mistake. We do not like the \$500-million tax break for private schools. And we don't think you can afford your tax cuts.

Well, we've been proven right. The government itself, in its own document that it used at its convention, questions and answers: "How can the government justify breaking the Taxpayer Protection Act?" "Moody's say to meet the target of a fourth balanced budget the government delayed for one year scheduled reductions in a number of tax cuts." So they say, "We had to break the Taxpayer Protection Act. You see what Moody's says. We had to do it to balance the budget." This is the point we've been making with you. You are promising things that you can't deliver.

As an aside, I think we all know the turmoil that the whole province is in because of hydro. The government promised this was going to result in lower rates. We found that it has resulted in dramatically higher rates, with no solution in sight, as far as I can determine, by the government.

So the first point I think the public should be aware of as they watch the debate on this bill is that the government promised you something that they can't deliver. I love the title of this bill. It's called Keeping the Promise. That's what the government called the bill.

Second, they couldn't keep their promise on the Taxpayer Protection Act. I do remember Mr. Eves's debate on this bill. It was, "This is the toughest taxpayer protection in the country. It's going to protect you against tax changes, and it is airtight." What we see—and believe me, I support the delay in the tax cuts. I did not think you could afford them when you announced them; I didn't think you could afford them when you ran. Now we've been proven right. This year, the fiscal year we're in right now, the government has to sell off \$1.8 billion worth of assets. They're going to have to sell Hydro One or the provincial savings office or other major assets. For next year, the year that starts April 1, 2003, they've had to delay \$1.5 billion worth of tax cuts. Again, I say to people listening out there, look at the document they put out at their own convention that explains why they had to abandon the Taxpayer Protection Act.

I also would say that the debate around corporate taxes—by the way, it isn't as if the US is going to be cutting corporate taxes and they're going to get below us. Virtually every state in the US right now is running deficits. They have to balance their books, so they are using the reserves they've got, but virtually every state in the US is running deficits. The federal US government, as we all know, has gone from quite a significant surplus into a significant deficit position. So why we want to have corporate taxes 25% below the US—first, businesses that would come on that promise will leave on that promise. Second, it is forgone revenue of \$5 billion, which is a huge amount of money: \$2.2 billion for the province of Ontario. Third, if we want to be a long-term competitive environment economically in this province, we will do it with a totally competitive cost structure. We cannot be out of line on that. We know that; we understand that; we support that. We have to make sure that our business community can compete successfully on the basis of cost. But believe me, businesses will grow here on the basis of the quality and education of the workforce and the quality of our living environment. Part of that is our health care. As I said earlier in my remarks, the average company in Ontario pays \$2,500 less for health coverage than in the US.

The other tax measure in here that I believe, rather than delay, should be cancelled is the private school funding. Mr. Flaherty and I will just choose to disagree on this. He thinks it's a good idea and he will run on that platform; I think it's a bad idea and I'll run on that platform. We'll allow the public to make that decision; that's what it's all about. I will do it on this basis, as I said earlier in my remarks: I believe one of the keys to the kind of community that I like to live in is that our young people come together. Our young people come together, first and foremost, in our schools. I am terribly worried, personally, if this is allowed to proceed. I see it in my own community. There are three new high schools being built. There's another public high school that closed that is now being rented out to a community. It is fragmenting on the basis of language, religion or ethnicity. I think that's a fundamental mistake, but that will, I guess, be determined in the election. That's why in this bill we believe that, rather than simply delaying it, it should be cancelled.

I will speak very briefly on two other areas that I find worth pursuing, personally. The bonds area and the tax incentive zones are potentially worth experimentation. On the major elements of this bill that affect me as our party's finance critic, I think the government's making a fundamental mistake in not cancelling the corporate tax cut and not cancelling the private school funding.

I think this bill makes the point for us that we've been making for a long time: you can't afford the promises you've made. And that's not me speaking; that's yourselves speaking. The document you handed out at your own convention points out that you had to break the Taxpayer Protection Act to balance the budget. The next time somebody from that side gets up and says, "Tax cuts

generate untold revenue," I'll say, "Wait a minute. This year you had to sell off \$1.8 billion of our assets, key crown assets"—

Mr Gerard Kennedy (Parkdale-High Park): It's like selling your car.

Mr Phillips: It's like selling your car to buy your groceries.

Next year you're going to have to delay one and half billion dollars of tax cuts to balance the budget. Isn't that proof that you have made promises that you can't keep, and proof that the tax cut delay was necessary to make sure that you had sufficient revenue coming in?

Finally, before my colleague from Toronto Centre-Rosedale takes over, I say I find it somewhat offensive that this bill being presented is changing 27 acts.

Hon Mr Flaherty: He's not that offensive. He's talking about you.

Mr Phillips: No, Mr Flaherty, I'm talking about the bill, but you're probably not listening. I find the bill offensive, trying to amend 27 acts and create two new acts. I think a wiser move, as far as the public's concerned, is that we should have an opportunity to split this bill up. I suspect that will not happen, but I hope the bill can at least be referred to committee.

1750

Mr Smitherman: As my party's financial institutions critic, it's an honour for me to have a chance to participate in this debate. I say it's an honour because of the role I have, but it's a lousy bill to be talking about. I want to say that my friend the member from Scarborough-Agincourt has done an awfully good job in leading the Liberal reaction to this government omnibus bill, which looks a little more like an ominous bill, in terms of highlighting the extent to which the government is camouflaging so much of their real intent with this bill. It is, in a sense, a little bit of an interesting way to break seven years' worth of rhetoric. Their ironclad pledge to the people of Ontario has, in one fell swoop of the finance minister's pen, been axed. I find it interesting to see the former finance minister, whom one assumes wouldn't have done that had he been in that position, sitting through this debate and from time to time offering pretty much unhelpful interventions. I think it's really important to highlight the extent of what this bill really is.

I want to say that we made the point, and we'll make it repeatedly through the course of this debate, that this bill, as presently constituted, does not provide an effective way to be debated. It deals with too many statutes. We believe it should be broken up, because up-and-down votes on certain matters are a good way to get a real sense of where you're democratically elected people stand. For my part, I sure think it would be appropriate that when the member from Kitchener stands and votes and the member from Etobicoke North stands and votes, they are doing that in a fashion where their constituents can understand that their ironclad pledge around the Taxpayer Protection Act has been decimated, has been eliminated, has been eviscerated to the extent that laws

currently on the books in the province of Ontario have to be amended to make their budget legal. I'm looking for some really forthright speeches from those backbenchers, who have no shortage of energy to heckle. It is their government that is, in this bill, breaking perhaps their most significant pledge, repeated ad nauseam, I think it's fair to say, over the course of seven long and lost years. Break it up. Break up this bill so we can watch the up-and-down votes on that.

I'll have a chance on another day when this bill comes back to talk about the intent of the legislation with respect to restoring investor confidence in Ontario. But I want to introduce my comments with a couple of points. Firstly, some of the stuff that's in here is stuff that since 1998 the Toronto Stock Exchange, through the Allen report, has asked three successive Conservative ministers of finance to do something about—five years from the stock exchange responsible for sending a message to the world that this is a capital market that works and can be trusted and can be widely respected. Premier Eves, as Finance Minister, sat on it. Minister Flaherty, as Finance Minister, sat on it. It took this minister to deal with this stuff, only after investor confidence had been lost and billions of dollars had gone in the tank.

That mirrors this government's commitment to the Ontario Securities Commission and its prosecution record. I would say that many people have viewed the Ontario Securities Commission as an organization and an operation that is improving, and I think we should all celebrate that. But as Ontarians, I think we should acknowledge that our prosecution record with respect to white-collar crime in this province is pathetic. We have done an inadequate job of sending the strongest possible message that it is not just the kind of crime conducted by criminals we see every night on television channels, but we also deal with the kind of crimes that bilk people out of their hard-won investments.

In the United States this kind of legislation, coming as it did after the decline in value of people's retirement funds, was a bipartisan effort. We saw, the other night, some changes in the US Senate, but Sarbanes-Oxley came forward in response to the problems in the United States: 99 to 0, support from both sides in the Senate; 423 to 3, representing very strong bipartisan support in the US House; both Houses of the Congress voting almost unanimously in support of legislation designed to restore investor confidence, because it was seen as an issue that was so important to the people whose hard-fought retirement savings were being put at risk.

But instead, we have an approach from this government that continues to place everything in a position where there can be no potential for agreement on a vote because they load the bill up with more hostages. This is their strategy: always a hostage in a bill, making it impossible to gain support on both sides of the aisle.

As a parliamentarian who looks forward to playing a role in helping to send a message to Ontarians that we've learned the lessons and that we're seeking to enhance the protections associated with their hard-fought retirement

funds, we have from the government more of the same, more of the partisan kind of bills with 27 different statutes, making it impossible to have this piece of legislation, which talks about investor confidence but is loaded up with so much other stuff, making it impossible for my party to support this bill.

The consumer investor protection is buried. It might have been the name on the backdrop, but the legislation obviously deals with so many other things. As to the public's right to know that their Legislature understood that when Freedom 55 becomes Freedom 75, when it hurts people in the very place they cannot afford it—their retirement funds—this government could get its act together and get support from both sides of the House and send a message that we all looked at it and agreed—no, they won't.

That's why I think we need public hearings, because we need to give the Ontarians who have lost hundreds and hundreds of millions of dollars of their retirement funds a chance to look right into the whites of the eyes of

the government members and give them an opportunity to ask the hard questions, to analyze what's there, and to make the suggestions.

Bay Street has been consulted; the Crawford report is reflected here. But what about the average person, the consumer investor trying to squirrel away a few bucks to pay Ernie Eves's hydro bills? What about those people? Have they been consulted? No, they haven't, and that's why we think public hearings are an appropriate consideration, that the average person should have a chance to look in the eyes of their legislators and get a sense of confidence from that.

This might be an appropriate time, given the clock, and I look forward to having an opportunity to offer even more substantive comments when this bill is called again for debate.

The Acting Speaker: It now being 6 of the clock, this House will stand adjourned until 6:45 this evening.

The House adjourned at 1758.

Evening meeting reported in volume B.

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Government
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Legislative Assembly
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Third Session, 37th Parliament

Assemblée législative
de l'Ontario

Troisième session, 37^e législature

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Thursday 7 November 2002

Jeudi 7 novembre 2002

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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 7 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 7 novembre 2002

The House met at 1845.

ORDERS OF THE DAY

AGRICULTURAL EMPLOYEES PROTECTION ACT, 2002

LOI DE 2002 SUR LA PROTECTION DES EMPLOYÉS AGRICOLES

Mr Stockwell, on behalf of Mrs Johns, moved third reading of the following bill:

Bill 187, An Act to protect the rights of agricultural employees / Projet de loi 187, Loi visant à protéger les droits des employés agricoles.

The Acting Speaker (Mr David Christopherson): It is the pleasure of the House that the motion carry?

All those in favour please indicate by saying "aye."

Those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

I have been given the appropriate request under standing order 28(h). This vote will be deferred until November 18.

RED LIGHT CAMERAS PILOT PROJECTS EXTENSION ACT, 2002

LOI DE 2002 SUR LA PROROGATION DES PROJETS PILOTES AYANT TRAIT AUX DISPOSITIFS PHOTOGRAPHIQUES RELIÉS AUX FEUX ROUGES

Mr Stockwell, on behalf of Mr Sterling, moved third reading of the following bill:

Bill 149, An Act to extend the red light cameras pilot projects to November 20, 2004 or for an indefinite period / Projet de loi 149, Loi visant à proroger jusqu'au 20 novembre 2004 ou indéfiniment les projets pilotes ayant trait aux dispositifs photographiques reliés aux feux rouges.

The Acting Speaker (Mr David Christopherson): Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour will please indicate by saying "aye."

Those opposed will please say "nay."

In my opinion, the ayes have it.

I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

INTERJURISDICTIONAL SUPPORT ORDERS ACT, 2002

LOI DE 2002 SUR LES ORDONNANCES ALIMENTAIRES D'EXÉCUTION RÉCIPROQUE

Mr Stockwell, on behalf of Mr Young, moved third reading of the following bill:

Bill 131, An Act to facilitate the making, recognition and variation of interjurisdictional support orders / Projet de loi 131, Loi visant à faciliter le prononcé, la reconnaissance et la modification des ordonnances alimentaires d'exécution réciproque.

The Acting Speaker (Mr David Christopherson): Is it the pleasure of the House that the motion carry?

All those in favour will please indicate by saying "aye."

Those opposed, please say "nay."

In my opinion, the ayes have it.

It is carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

SAFE DRINKING WATER ACT, 2002

LOI DE 2002 SUR LA SALUBRITÉ DE L'EAU POTABLE

Resuming the debate adjourned on November 5, 2002, on the motion for second reading of Bill 195, An Act respecting safe drinking water / Projet de loi 195, Loi ayant trait à la salubrité de l'eau potable.

The Acting Speaker (Mr David Christopherson): Pursuant to the order of the House dated November 6, 2002, I am now required to put the question. On October 31, Mr Stockwell moved second reading of Bill 195. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please indicate by saying "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

The motion is carried.

Pursuant to the order of the House dated November 6, 2002, the bill is ordered referred to the standing committee on general government.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move adjournment of the House.

The Acting Speaker: Is it the pleasure of the House that the motion carry? I think I heard a no.

All those in favour will please indicate by saying "aye."

Those opposed will please say "nay."

In my opinion, the ayes have it.

The motion is carried.

This House stands adjourned until 1:30 of the clock on Monday, November 18 of this year.

The House adjourned at 1849.

LEGISLATIVE ASSEMBLY OF ONTARIO
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Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)		Chudleigh, Ted (PC)
Beaches-East York	Prue, Michael (ND)	Halton	Agostino, Dominic (L)
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Chatham-Kent Essex	Hoy, Pat (L)		
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Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
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Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
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Third Session, 37th Parliament

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Troisième session, 37^e législature

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Monday 18 November 2002

Lundi 18 novembre 2002



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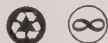
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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 18 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 18 novembre 2002

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

RURAL WATER PROGRAM

Mr Ernie Parsons (Prince Edward-Hastings): This government has a track record of making some very bad decisions, so I would like to tell you about a very good one they made in the spring, which was to implement a program called the tri-county rural water program in Prince Edward-Hastings in Northumberland county.

This would actually implement some of the recommendations from the Walkerton inquiry, improve barnyard drainage, improve surface water protection, move septic tanks and do fuel storage improvements—a wonderful program that would truly protect the groundwater, not just for the farmers but more so for the entire community.

However, in October they took this wonderful decision and they retracted it. After the farmers had spent their money, after they had incurred all of the costs, the minister came back and capped it, saying, “No longer will we do the 50-50 we promised you.” In fact, they had been told that the sooner they started, the better to protect the groundwater. The ministry now says they will not fund anything started before June 28. That’s after the tilling season; that’s after the money had to be spent to buy the equipment and to do the improvements.

It is an absolute betrayal of these farmers in these three counties to renege on an agreement and a commitment that they believed in. This doesn’t improve the quality of life for the farmers; it improves it for everyone in Ontario.

In my community the most valuable thing we own is our name. This good name has been betrayed by the minister with the reneging on this commitment. Speaker, I urge the minister to immediately return to the original commitment made to fund these projects.

LEGISLATIVE INTERNS

Mr John O’Toole (Durham): I rise in the House to pay tribute to the legislative interns for 2002-03, some of whom are working for Ontario MPPs as we speak.

These talented young men and women have recently completed formal studies in universities or colleges.

They are hired each year for a 10-month commitment in different departments across all ministries of the Ontario public service. The interns select the MPPs they wish to work for. Of course, their first responsibility is to assist the member. However, they also have a unique opportunity to observe the political process at first hand. Among their many duties, interns observe the House and its committees. In addition, they attend seminars with elected and legislative officials and senior civil servants, and in fact they work directly on policy development and legislative initiatives.

I’d like to mention at this time Martha Black, who is working in my Queen’s Park office. Martha completed an undergraduate degree at St Francis Xavier University and a master’s degree in political science from Dalhousie University. She has worked in publishing and as a teaching assistant and research assistant, an excellent background for this Legislature. I’d also like to mention former interns who have worked with me: Nathan Fisher, Andrew Owen, Gord Westcott and Lauri Leduc. They have been part of the internship program. It is my privilege to have worked with them during my time in this House.

As well as learning about Ontario public service, interns contribute new and often bright ideas and bring to the workplace an array of skills. I’m confident the Ontario legislative interns will leave the program well equipped for leadership in the public or private sector. I wish everyone in the House to recognize the interns serving our House.

HYDRO DEREGULATION

Ms Caroline Di Cocco (Sarnia-Lambton): The electricity fiasco created by the Harris-Eves gang just never ends. A constituent of mine, Neil, just last week lost his job and has a six-week delay time to receive his unemployment cheque. His wife works and earns minimum wage. Neil’s son is asthmatic and needs a compressor running to help with his breathing. His bill for electricity is now more than he can afford. Last Thursday, he was given notice that his hydro is to be disconnected.

My office called the utility last week to explain the medical situation, and the suggestion from the local utility was that Neil go to five churches, get \$100 each and pay his bill, and his hydro would not be shut off.

For the past five years our local utility has been preparing for the electricity market opening. Now these

distribution utilities are near bankruptcy themselves because they have millions of dollars of potential unrecoverable expenses.

By the way, over the weekend, Neil went to a number of churches and was given charitable donations adding up to two thirds of his bill. Local utilities such as Bluewater Power are in time becoming charity cases because they are millions of dollars in the red, and in turn local utilities are taking a hard line with people who are unable to pay.

TORONTO TRANSIT COMMISSION

Mr Michael Prue (Beaches-East York): I rise today to talk about the sorry state of the Toronto Transit Commission. In this city, where we pride ourselves on being a world-class city, the Toronto Transit Commission, which carries hundreds of millions of riders every year, is facing a real crisis. The crisis they are facing involves raising the cost by 10 cents per ride. To people thinking that 10 cents isn't all that much, perhaps it isn't, but what is more fearful for all of us who live in this city is that they are saying that this year potentially there could be a 40-cent increase unless there is funding coming from senior levels of government.

As the funds to ride the TTC go up, the ridership goes down, and for all of who live anywhere near the city of Toronto, this is a horrendous thing to happen. We know that gridlock embraces all of us. Even if you live in Mississauga or in Markham or in Durham, gridlock embraces us all. One of the surest ways to get cars off the road is to spend money on transit.

All over North America, cities are provided more funds than we provide to the capital city of this province: Chicago, Atlanta, Montreal, Vancouver—all of them.

It is time to come up with our own urban vision. Surely we have one in the NDP. I invite everyone to come up with an urban vision that will allow us to reduce gridlock and to service the ridership that comes in each of our large cities.

ENERGY CONSERVATION

Ms Marilyn Mushinski (Scarborough Centre): Energy conservation is one of the best ways that citizens can take action to reduce pollutants in our air. By walking to the corner store instead of driving, or turning off lights or appliances in our homes when not needed, each of us can contribute to a cleaner environment now and into the future.

We can make a difference. By acting together, we have a huge positive effect. That is why I am so pleased about the Minister of Energy's announcement of last Wednesday. Let me list some of the government's environmentally friendly initiatives.

Conservation initiatives will be put in place to reduce electricity consumption in the government's own operations by 10%. If government is going to have a moral

voice in favour of a cleaner environment, it makes sense that it would lead the way toward energy conservation. The government itself will lead so that fully 20% of the provincial government's electricity usage comes from renewable sources.

Next, the government is creating a Centre of Excellence for Alternative Energy, jointly located at Queen's University in Kingston and the University of Toronto. Its goal will be an Ontario that is the leading North American jurisdiction for research and development of clean energy technologies.

There are more actions being taken to make Ontario an even better place to live, work and raise a family. I am excited by these positive steps and call on the opposition to put their partisanship aside and show strong support for these environmental initiatives.

1340

OHIP BUILDING

Mr John Gerretsen (Kingston and the Islands): For years, many of the employees at the OHIP building in Kingston have suspected that there's something dramatically wrong with the building. Fourteen employees have had breast cancer, 32 others have had other forms of cancer and many employees have suffered a range of other illnesses, including many respiratory ailments.

When governments in the past were unwilling to pay for the testing of the building, OPSEU Local 468 commissioned a study conducted by GeoCor Engineering, a well-respected engineering firm from Kingston, which found coal tar derivatives and some heavy metals in the building, with evidence strongly pointing to a large plume of coal tar underneath the building.

Indeed, there is a possibility that the toxins may have migrated throughout the building's foundations to the rest of the building. However, a comprehensive study, including the complete access to the entire building that was denied to GeoCor, is needed to once and for all determine if there is a link between the contamination and the diseases and to ensure that the people who are working for us in this province do so in a safe and secure environment.

I urge, and indeed demand, that the Ministry of Health without any further delay immediately conduct and fund an independent, third-party study, and furthermore that the government, and through it the owner of the building, fully co-operate with such a study and make its findings immediately public.

Surely everyone is entitled to work and live in a healthy and clean environment. OPSEU Local 468 has led the way, and it's now up to its employer, the Ministry of Health, to conduct the study that's required.

JOHN AND JEANNE PYNN

Mrs Julia Munro (York North): I rise today to talk about a wonderful couple. John and Jeanne Pynn are a

husband and wife team that can't slow down, even though they both celebrated their 81st birthdays this year.

Last month, the Pynns became the first couple to be presented with the Ontario Senior Achievement Award by the Lieutenant Governor, James K Bartleman, in a ceremony at Queen's Park. The importance of this is that each of them was being recognized individually; not as a couple with cumulative experience, but rather as individuals who happen to be a great couple.

The Pynns are residents of Sutton, in my riding of York North. They talk about retiring but just don't seem to be able to say no when asked to help with a volunteer job. Their volunteer jobs include a long list of community charities and projects, such as the Georgina food bank. Through her involvement in the food bank, Jeanne teaches young women how to stretch their food dollars and make the most of the food bank offerings. She is also a volunteer with Hospice Georgina.

John Pynn is a founding member of Transit Georgina, which offers transportation to the disabled. John's pet project was arranging a regular super-shopping day where the bus would take people to various businesses where John had managed to arrange for them to have a discount. He also manages to find time to arrange transportation for kidney dialysis patients to York region hospitals.

John and Jeanne are both active participants in Knox United Church. They are also volunteers at the hospice, Meals on Wheels, and both are familiar faces in the landmark Red Barn theatre. What a fantastic couple. Congratulations, Jeanne and John.

HYDRO DEREGULATION

Mr Bruce Crozier (Essex): It used to be that the Premier had an undeserved reputation for competence, but that fairy tale took a very unhappy turn last week. Ernie Eves's bungling of hydro killed any belief that he has a plan, a point or even a purpose for being Premier.

The National Post columnist Andrew Coyne wrote, "I mean this quite literally: voters have no reason to trust a word the Eves government says.... They should be removed—no, hurled—from office, and the sooner the better."

Economist Mark Mullins says, "Ernie Eves' plan would cost \$1.9 billion and could be as much as \$2.7 billion, much of that coming from taxpayers' pockets, and that's the man who did the costing of the Common Sense Revolution."

Tom Adams of Energy Probe said, "The situation Ernie Eves puts us in this week will almost certainly lead to blackouts and bankruptcies."

And the confidence of Bay Street is shattered. Rebecca MacDonald, the CEO of Energy Savings Income Fund says, "Unfortunately, I didn't know that we have a Premier who's a complete lunatic."

Unfortunately for Ontario, Ernie Eves is simply making up policy on the back of an envelope while he lurches from crisis to crisis. The people of Ontario

deserve a more competent Premier with a plan, not Ernie Eves and his wishy-washy, directionless waffling.

STRATFORD CULINARY FESTIVAL

Mr Bert Johnson (Perth-Middlesex): I rise to tell my fellow members of a new initiative by Tourism Stratford to increase tourism beyond the Stratford Festival season. This initiative, the Stratford Culinary Festival, highlights the great restaurants in Stratford. The theme of this year's festival is "Come back." Come back to enjoy the great restaurants, a variety of pre-planned activities and, now that there's snow on the ground, a little Christmas shopping at some of Stratford's unique shops.

The Stratford Culinary Festival has been running for the past two weekends and continues for one more weekend. It is sponsored by the city of Stratford, the Stratford Festival and the Victorian Inn on the Park, as well as other local businesses.

Tourism is Ontario's fifth-largest industry and festival events are an important part of the industry. This government supports three such events through the tourism event marketing partnership program. By means of the program, the Ministry of Tourism and Recreation invested \$20,000 in the Stratford Culinary Festival. I want to thank the Minister of Tourism and Recreation for recognizing the importance of such events to the tourism industry. I also want to thank Barb Quarry, manager of Tourism Stratford, for all the work she puts into the success of Stratford's tourism industry.

As Stratford winds up its 50th season, it seems appropriate that another festival will kick off its first season. Maybe 50 years from now someone will be standing here and speaking of the success of the Stratford Culinary Festival's 50th anniversary.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr John Gerretsen (Kingston and the Islands): I beg leave to present the report on the road user safety committee from the standing committee on public accounts and move the adoption of its recommendations.

The Speaker (Hon Gary Carr): Does the member wish to make a brief statement?

Mr Gerretsen: Thank you very much. The report contains six recommendations, and just to highlight a couple of them: the Ministry of Transportation should prepare a business case prior to reaching a decision on whether to outsource the provincial driver examination function, and it should assess the costs and benefits during the first year of operation and provide a report to the standing committee.

The ministry should complete the business case for the proposed replacement of the Legacy system and provide the committee with the implementation schedule and its benefits. Finally, the committee felt that the ministry should provide the committee with the key steps taken to improve the contract administration procedures to improve compliance with Management Board Secretariat's consulting services directive. We hope that the ministry will adhere to these recommendations and implement them as soon as possible.

With that, I am pleased to move the adjournment of the debate.

The Speaker: Mr Gerretsen moves the adjournment of the debate. Is it the pleasure of the House that the motion carry? Carried.

MOTIONS

HOUSE SITTINGS

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 to 9:30 pm on Mondays, Tuesdays, Wednesdays and Thursdays of the weeks of November 18, November 25, December 2 and December 9 for the purpose of considering government business.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, ayes have it. Call in the members. This will be a five-minute bell.

The division bells rang from 1350 to 1355.

The Speaker: All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Elliott, Brenda	Murdoch, Bill
Baird, John R.	Galt, Doug	Mushinski, Marilyn
Barrett, Toby	Gerretsen, John	Newman, Dan
Beaubien, Marcel	Gill, Raminder	O'Toole, John
Bountrogianni, Marie	Gravelle, Michael	Ouellette, Jerry J.
Boyer, Claudette	Guzzo, Garry J.	Patten, Richard
Bradley, James J.	Hardeman, Ernie	Peters, Steve
Brown, Michael A.	Hodgson, Chris	Phillips, Gerry
Bryant, Michael	Hoy, Pat	Pupatello, Sandra
Caplan, David	Hudak, Tim	Ramsay, David
Chudleigh, Ted	Jackson, Cameron	Runciman, Robert W.
Clark, Brad	Johns, Helen	Ruprecht, Tony
Clement, Tony	Johnson, Bert	Sampson, Rob
Coburn, Brian	Kells, Morley	Sergio, Mario
Colle, Mike	Klees, Frank	Smitherman, George
Conway, Sean G.	Kwinter, Monte	Spina, Joseph
Crozier, Bruce	Levac, David	Stewart, R. Gary
Cunningham, Dianne	Martiniuk, Gerry	Stockwell, Chris
Curling, Alvin	Maves, Bart	Tascona, Joseph N.
DeFaria, Carl	Mazzilli, Frank	Tsubouchi, David H.
Di Cocco, Caroline	McDonald, AL	Turnbull, David
Dombrowsky, Leona	McMeekin, Ted	Wettlaufer, Wayne
Duncan, Dwight	Miller, Norm	Wilson, Jim
Dunlop, Garfield	Molinari, Tina R.	Wood, Bob
Ecker, Janet	Munro, Julia	Young, David

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Bisson, Gilles	Marchese, Rosario	Prue, Michael
Hampton, Howard	Martel, Shelley	
Kormos, Peter	Martin, Tony	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 75; the nays are 7.

The Speaker: I declare the motion carried.

DEFERRED VOTES

AGRICULTURAL EMPLOYEES PROTECTION ACT, 2002

LOI DE 2002 SUR LA PROTECTION DES EMPLOYÉS AGRICOLES

Deferred vote on the motion for third reading of Bill 187, An Act to protect the rights of agricultural employees / Projet de loi 187, Loi visant à protéger les droits des employés agricoles.

The Speaker (Hon Gary Carr): Call in the members. This will be a five-minute bell.

The division bells rang from 1359 to 1404.

The Speaker: Mrs Johns has moved third reading of Bill 187, An Act to protect the rights of agricultural employees.

All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Galt, Doug	Munro, Julia
Baird, John R.	Gerretsen, John	Murdoch, Bill
Barrett, Toby	Gilchrist, Steve	Mushinski, Marilyn
Beaubien, Marcel	Gill, Raminder	Newman, Dan
Bountrogianni, Marie	Guzzo, Garry J.	O'Toole, John
Boyer, Claudette	Hardeman, Ernie	Ouellette, Jerry J.
Bradley, James J.	Hodgson, Chris	Patten, Richard
Brown, Michael A.	Hoy, Pat	Peters, Steve
Bryant, Michael	Hudak, Tim	Phillips, Gerry
Caplan, David	Jackson, Cameron	Pupatello, Sandra
Chudleigh, Ted	Johns, Helen	Ramsay, David
Clark, Brad	Johnson, Bert	Runciman, Robert W.
Clement, Tony	Kells, Morley	Ruprecht, Tony
Coburn, Brian	Kennedy, Gerard	Sampson, Rob
Colle, Mike	Klees, Frank	Sergio, Mario
Conway, Sean G.	Kwinter, Monte	Smitherman, George
Crozier, Bruce	Levac, David	Spina, Joseph
Cunningham, Dianne	Martiniuk, Gerry	Stewart, R. Gary
Curling, Alvin	Maves, Bart	Tascona, Joseph N.
DeFaria, Carl	Mazzilli, Frank	Tsubouchi, David H.
Di Cocco, Caroline	McDonald, AL	Turnbull, David
Dombrowsky, Leona	McGuinity, Dalton	Wettlaufer, Wayne
Duncan, Dwight	McLeod, Lyn	Wilson, Jim
Dunlop, Garfield	McMeekin, Ted	Wood, Bob
Ecker, Janet	Miller, Norm	Young, David
Elliott, Brenda	Molinari, Tina R.	

The Speaker: All those opposed will please rise and be recognized by the Clerk.

Nays

Christopherson, David	Kormos, Peter	Martin, Tony
Churley, Marilyn	Marchese, Rosario	Prue, Michael
Hampton, Howard	Martel, Shelley	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 77; the nays are 8.

The Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

VISITORS

The Speaker (Hon Gary Carr): Before we begin with question period, we have with us today in the Speaker's gallery Representative Stephen Buehrer of Ohio, Representative Libby Jacobs of Iowa and Representative Lauren Hager of Michigan. They are members of the Midwestern Legislative Conference and are visiting us on an exchange program. Please join me in welcoming our very special guests.

Mr Howard Hampton (Kenora-Rainy River): On a point of order, Mr Speaker: visiting us today from Alberta we have Raj Pannu, leader of the Alberta NDP, and his daughter Savi Pannu.

Mrs Sandra Pupatello (Windsor West): On a point of order, Mr Speaker: we have a young woman here today from the riding of Windsor West. Her name is Natalie Deschamps and she's here with her father. This young woman actually spent her hard-earned cash at an auction at her school, Holy Names High School, which entitled her to spend the day at Queen's Park with her MPP. She has managed to meet many of you already and has been duly impressed by all those she has met so far. She is hoping to become a young, budding politician herself. One can only hope she would wait until the current MPP retires before she chooses to go forward with that career. Could we please welcome her and her father in the House today.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On a point of order, Mr Speaker: I would seek unanimous consent that this House agree that Sandra give that poor girl her money back.

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): On a point of order, Mr Speaker: As long as we're in the mood, I'd like to welcome students from Humber College in the post-diploma public administration program. They're here with their instructor, Elka Walsh.

1410

ORAL QUESTIONS

HYDRO DEREGULATION

Mr Dalton McGuinty (Leader of the Opposition): My questions today are to the Minister of the Energy.

Hydro deregulation in Ontario is dead; it's over. Bay Street knows it; Main Street knows it; everybody seems to know it but you. Minister, why not admit that your bungling, gross incompetence and mismanagement have killed the hydro market now and forever?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The government proposed a plan this past week to try to address the real concerns that a lot of working families in the province of Ontario had, not just with the heavy weight of the bill on their kitchen table but their real concerns and fears for the future as we approach the Christmas holidays and indeed next summer. We certainly make no apologies for standing with working families in the province of Ontario.

Mr McGuinty: That is quite an accomplishment. You must have rehearsed that one in front of the mirror all week, Minister. Well done.

Here's what the National Post had to say about your most recent position: "Mr Eves's blatant politicization of the electricity market ... has erased any chance of developing a private power industry in Ontario: investors simply do not trust it."

Your government has managed to do something which is absolutely extraordinary. This Tory government makes Ontario business nervous. That's quite an accomplishment. Hydro deregulation is dead. The market is dead. Nobody, and I mean nobody, trusts your government any more. You said prices will go down; they went up. You said the debt would go down; the debt is climbing. You said we had all kinds of supply; we're suffering from a desperate shortage of supply.

Instead of wasting time and money trying to resuscitate the hydro corpse, why not admit what everybody knows: deregulation is dead?

Hon Mr Baird: In responding to the real concerns that working families in every region of this province had, we came forth with some real action to address their concern for their high hydro bills on their table and their concern for the future. I think that is incredibly important: that we look at the circumstances of real families in the province of Ontario.

It is important that you come up with a position. The leader of the opposition quotes the National Post. He might want to read the Toronto Star today, where it asks what the Liberal position is. This member was on the radio about 10 days ago. When he was asked what the rebate should be, do you know what he said? He said, "Well, I don't know. I mean, you know. I think you know." Well, the questioner didn't know, so he said, "What kind of rebate would make a difference?" He said, "I don't know. I honestly don't know."

Well, on this side of the House, we know. We're providing substantial assistance to the people in the province of Ontario.

Mr McGuinty: It is simply—

Interjections.

The Speaker (Hon Gary Carr): Order, please. The leader of the official opposition has the floor. I apologize to the leader. Continue.

Mr MrGuinty: It is simply too much for us on this side of the House to stomach when this minister stands up and tries to hold himself out somehow as some kind of a defender for the interests of families after we stood on this side for week after week after week and complained about what this government's plan was doing to ordinary families' bills. It is simply too much to stomach.

Minister, I will now ask you again: now that Bay Street recognizes it, now that Main Street recognizes this, now that there is a broad consensus right across the country that this has been one of the most glaring examples of gross mismanagement and incompetence, why not admit it? Deregulation is dead; the market is dead; your experiment has been an abject failure.

Hon Mr Baird: We still have an open market for the generation of wholesale electricity in the province of Ontario and I think that is good news. I'm proud of the fact that Ernie Eves and our government came forward with an action plan to deal with the challenges facing Ontario families, small businesses and farm operators.

If the member opposite wants to talk about price, I'm happy to do that. When asked about price last year, the member said, "Rates may very well have to go up." And what did he say this past week to my good friend the well-known political reporter April Lindgren in the *Ottawa Citizen*? The first part of the article says, "Electricity prices under an Ontario Liberal government would likely rise."

The people of Ontario have a clear choice. They have a government that can tackle the challenges facing working families, small business people and farm operators, or they can buy into the risky scheme by the Leader of the Opposition. I know which side they'll choose.

HYDRO ONE

Mr Dalton McGuinty (Leader of the Opposition): We'll try the same minister again and see if we have any more success this time around. Minister, now that you're performing Olympian backflips on hydro, let's talk a little bit about Hydro One. You have never made the business case for the sale of any part of Hydro One. During the last three years, it earned a profit in excess of \$1 billion. Why would you not keep Hydro One entirely public and use those profits to help keep rates down in Ontario?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): Profits from Hydro One on an operational basis certainly provide assistance in dealing with the stranded debt. If the member opposite is against prices in electricity, he might want to call his own brother, Brendan McGuinty. In the city of Ottawa, his boss voted to almost double fixed-rate delivery charges and the local distribution rates and then said, "The devil made me do it." So if he feels as strongly as that, I hope he'll encourage our good mayor in the city of Ottawa to reduce hydro rates by going to a non-profit status.

Mr MrGuinty: I gather it's full steam ahead with respect to the sale of Hydro One. Hydro One is a natural monopoly. It is the central nervous system of the Ontario economy. It earns us a profit. You want to give that profit away the same way you gave the 407 profit away. You find yourselves now in desperate financial circumstances. You want to sell off Hydro One so you can balance the budget. In the end, it's going to be consumers who will continue to pay the price for your mismanagement and bungling. I ask you again: now that you have effectively killed deregulation, why not finish the job and keep all of Hydro One public, where it belongs?

Hon Mr Baird: The member opposite is certainly one to get public policy advice from. Every decision this government makes will be based on what's in the best interests of the people of Ontario, whether they be working families, farm operators or small business people, as we come to terms with dealing with some of the challenges. There are huge infrastructure needs at Hydro One in terms of investments that haven't been made over perhaps the last 20 years as they should have been. I think any policy the government proceeds with will certainly be advantageous for working families.

The member opposite is quoted on *Focus Ontario*. And what did he say on this natural monopoly? "I am in favour of privatization, both in terms of the transmission and the generation." So I might ask the leader: I've said why I'm in favour of it. Maybe he could tell us why he was in favour of it then too.

Mr MrGuinty: Minister, you want to talk to others about changing position after last week and Monday's performance with that teleprompter inside that home? Give me a break.

There's only a limited amount of time I have in which to put the question, but I'll try to re-cover some of the changes in your position with respect to Hydro One. April 26, 2002: you're going to privatize all of Hydro One. May 2, 2002: no, the privatization is off the table. May 8, 2002: no, it's back on the table. May 30, 2002: you introduce legislation to sell all of Hydro One. June 7, 2002: "No, we're going to go with an income trust." June 13, 2002: "We're going to kill the IPO option." July 6, 2002: "No, what we think we're going to do is settle on selling half of Hydro One."

Minister, I'll ask you again: understanding now that you have effectively killed deregulation in the market with respect to OPG, why not do the right thing and tell us you're going to keep Hydro One entirely in public hands?

Hon Mr Baird: We'll obviously pursue a policy that's in the best interests of people in Ontario. I think that's important when we look at the structure of any sort of arrangement with respect to a strategic partnership that would have benefits for taxpayers, for working families and indeed for everyone in Ontario. The member opposite says, "I've been very consistent with respect to Hydro One. I'm in favour of privatization." Can you explain that, Mr Speaker?

Interjections.

The Speaker (Hon Gary Carr): Order. It's getting too noisy in here. New question.

1420

HYDRO DEREGULATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Energy. Earlier today, Raj Pannu, leader of the Alberta NDP, came all the way to Toronto to warn Ontario Hydro consumers about your desperate scheme to hide the skyrocketing cost of privatized, deregulated hydro until after the next election. He says your pre-election hydro rebate scheme is the same bribe Ralph Klein used in Alberta. In Alberta, \$2.3 billion of the people's money was used to hide the cost of deregulated hydro until after the election. As soon as the election was over, off came the rate caps, off came the hydro rebate.

It cost \$2.3 billion to hide the cost of hydro privatization in Alberta. How much of the people's money will it cost you to hide the cost until after the next election in Ontario?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): In responding to the real concerns of working families in Ontario, of farm operators in rural Ontario and of small business people, whether they be the drycleaner in North Bay or the shop owner in Toronto, we thought it was important to act decisively and to do the exact opposite of what the member opposite just charged. We believe it was important not just simply to put in a quick fix, Band-Aid solution, but rather some meaningful relief in the medium term while new generation is brought on-line.

To very directly answer the leader of the third party's question, our plan fully balances itself over the next 41 months. I will congratulate the member opposite. He has been consistent on this issue. He is no Howard-come-lately like the Leader of the Opposition.

Mr Hampton: No one believes your line that you can cap hydro rates and provide a rebate and it won't cost the taxpayers of the province anything and it won't cost hydro consumers anything. In Alberta, eight months after the election the hydro rebates disappeared, the rate cap disappeared and people's hydro bills doubled again. Why? Because hydro deregulation and privatization continued there, just as you want to continue it here, just as you want to sell off Hydro One, just as you want to sell off more of the generating stations, just as you want to use billions of dollars of public money to subsidize private for-profit hydro generators.

I think you owe it to the people of Ontario. You're going to hide the costs from them on their hydro bills. How much is it going to cost them in taxes? How much is it going to cost them after the election? Don't try to fool them like Ralph Klein did.

Hon Mr Baird: We now have Howard the Taxfighter leading the third party. I wish he had been so concerned about the bottom line for working families in Ontario

when he raised taxes all those times when he was in government.

We've responded to the real concerns of working families in Ontario. The plan fully balances itself over the 41 months of it. Let's look at the bond rating companies. Dominion Bond Rating Service says, "We expect the net impact of this initiative on the province's fiscal balance to be manageable." Standard and Poor's says, "Announced provincial electricity rate cap will have no material impact on Ontario's financial performance."

Mr Hampton: You can keep trotting out that line, but people know that when you're paying the likes of British Energy, Brascan or some of the American profit-driven hydro companies \$1,000 a megawatt hour and you only charge \$43 a megawatt hour on the hydro bill, it's going to take a lot of taxpayers' money to cover up that subsidization of your profit-driven friends.

Now, you and the Liberals think that rolling out a rebate is going to cover up the cost of privatized, deregulated hydro. It's not. You've already admitted that privatized, deregulated hydro is too painful for people on their hydro bill. Why don't you go the next step and admit that hydro privatization/deregulation is too expensive for people, period, and kill it now?

Hon Mr Baird: The leader of the third party is running around Ontario preaching public power at cost, but his own record speaks for itself. When he was in government, the Hydro debt went up by more than \$3 billion in addition to the more than \$50 billion that was borrowed to balance the books under his party's regime.

We're taking action by maintaining the market open, by maintaining the market in generation, to try to encourage prices to go down, to try to encourage competition, which we think is in the best interests of the people of the province of Ontario.

There have been some bumps along the road, and that's why we've taken some decisive action with respect to the price for working families, for small business people and for farm operators, because I think that's the right thing to do.

The Speaker (Hon Gary Carr): New question. The Leader of the third party.

Mr Hampton: Minister, you've admitted that privatized, deregulated hydro is far too expensive to allow the price to appear on people's hydro bills. It just seems to me the next logical step is to admit to everybody that this stuff doesn't work, and end it.

Again, let me just point out what happened in Alberta. Immediately after the election, people started to see something new on their hydro bill. It was called a rate rider. When they asked what it was, they were told, "Well, before the election we wouldn't let the private hydro companies jack up the rates. Now we give them a rate rider to make up for what they lost before the election, before the rate cap, before the rebate." In other words, people had to pay twice after the election for the bribe that happened before the election.

I'm asking, Minister, do you really think you can fool the people of Ontario with a before-the-election bribe

using their own money, and then jack up the hydro rates on them after the election? Do you really think you can fool them?

Hon Mr Baird: If we had come forward with a plan that was a six-month, quick-fix solution, I think the people of Ontario—working families and small business people around the province—would have seen through that. But Premier Ernie Eves came forward with a really comprehensive initiative to provide some stability for 41 months. I think that's good. It was supplemented by new announcements to encourage supply in the province of Ontario; to promote green, clean and alternative fuels; and probably most importantly, some specific and tangible measures to promote conservation. We think that's sound public policy and the right thing to do.

Mr Hampton: Minister, you and the Liberals talk about a hydro rebate to hide the true cost of deregulated, privatized hydro. You talk about a rate cap until 2006. But you know yourself that the profit-driven producers of hydro that you want to bring into the province will never stand for a rate cap until 2006. You also know it is too expensive. The people out there know it's too expensive.

People want hydro as an essential public service, to be publicly owned and provided on a non-profit basis. They don't want profit-takers, fee-takers, commission-takers, all loaded up on the hydro bill, and they don't want them loading up on a subsidy in the backroom either.

I ask you again, Minister, now that you've admitted that deregulated, privatized hydro is too expensive to show people on their hydro bill, will you admit that it's wrong in principle and stop, cancel, kill hydro privatization and deregulation?

Hon Mr Baird: When there was a non-profit system in the province of Ontario, it cost us \$38 billion in debt. That's more than \$10,000 for every family in the province of Ontario. For the baby born this morning in Nepean, that's a \$3,000 mortgage on their future. Now, I realize that's small change for the leader of the third party, because when he was a member of the executive council of Ontario, they in fact ran up more than \$50 billion worth of debt in five short years.

What we're doing is making some responsible decisions to provide some real relief to consumers, small business people and farm operators over the next 41 months. The member opposite in his first question said that private generators were going to continue to get a market price and in his second question said they're not. Which is right, the first or the second?

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TENANT PROTECTION

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Minister of Housing. Tenants across Ontario are worried that your government's bungling of hydro is going to lead to even further rent increases, and they have every reason to worry because of what happened in the case of natural gas. I'm sure you'll understand, Minister, that when gas prices spiked, land-

lords applied for and obtained rent increases, and when the price of natural gas came down, tenants didn't see their rent go down, because under your system tenants are forced to pay temporary utility cost increases forever.

Tenants are now worried that the same thing is going to happen with respect to hydro. The rent is going to go up, landlords are going to get the benefit of the rebate, but the tenants will still have to pay the increase. Will you issue a directive today to ensure that no Ontario tenant will experience a rent increase because of your government's mismanagement of hydro?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): It's a hydro issue, and I know the minister wants to talk about that.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The announcement the Premier made brings rates back, almost retroactively, to what consumers have been paying, to 4.3 cents. That's where they were before the market opening. Therefore, obviously with respect to the commodity portion of the bill there's no rate increase. It can't be clearer than that.

Mr McGuinty: Minister, it's a fairly straightforward question. Let me just say at the outset that it's really a sad commentary that the minister responsible for housing, the defender of tenants in that government, has fully abdicated his responsibility and turned this over to you.

Interjection.

Mr McGuinty: Apparently he wants to answer the question now, Speaker. Perhaps the minister will refer it back to him. But since he's refusing to do so, I'll go back to the Minister of Energy.

It's a fairly straightforward question: will you assure us that the legislation, which you're apparently still drafting on the back of an envelope, will protect all tenants from any rent increase attributable to your government's mismanagement and gross incompetence on the hydro file?

Hon Mr Baird: The relief we came forward with, that the Premier announced a week ago today in the province of Ontario, is substantive in its relief, retroactive to May 1, and I think that's important. We stepped up to take significant action to protect tenants, homeowners, small business people and farm operators right across Ontario. For those tenants where it's included, it's self-evident that the price of the commodity hasn't gone up.

We've looked at it and dealt with it retroactively. Maybe the leader would like to return the cheques for the \$350 Bay Street fundraiser he had when he was a big promoter of deregulation. Wouldn't that be the right thing to do?

NORTHERN ONTARIO ECONOMY

Mr AL McDonald (Nipissing): My question is for the Minister of Northern Development and Mines. Over the past few weeks, I and several members have risen in our places to ask questions about economic activity in the north. Today, I'd like to focus on recent announcements

made by Weyerhaeuser in Sturgeon Falls and Tembec in Mattawa that are not in line with my or this government's vision of a strong, prosperous northern Ontario. Minister, could you please inform everyone what your ministry is doing to boost economic activity in northern Ontario?

Hon Jim Wilson (Minister of Northern Development and Mines): We at the ministry take very seriously the challenge to improve economic conditions in the north. We believe in a healthy, competitive and sustainable northern economy, which combines and builds upon the strengths of our resource sectors with the emerging opportunities of a knowledge-based economy.

The Minister of Finance just finished putting out expressions of interest for tax incentive zones for rural and northern Ontario. There will be six pilot projects. Also, the government has announced that we'll be introducing opportunity bonds, allowing municipalities to build and rebuild their infrastructure at lower cost. We've doubled the northern Ontario heritage fund, which is our big economic engine for the north, to \$60 million a year. In fact, since October 1996, the government, through the heritage fund, has created about 15,650 jobs in the north.

Finally, to help northern economic development we've spent a record \$1.6 billion on northern highway infrastructure in the north.

Mr McDonald: Thank you, Minister. I know from talking to a lot of northern Ontarians that they appreciate your dedication and the good work our government is doing on their behalf. They do appreciate the effort this government is making on northern Ontario.

However, the residents of west Nipissing were especially hard hit by the announcement that Weyerhaeuser will be closing their facility there. I know that you travelled to Sturgeon Falls, Minister, with some important news. Could you please share that with us?

Hon Mr Wilson: On November 7, I did travel to Sturgeon Falls in west Nipissing. First, though, I want to commend the honourable member. AL McDonald was the first member of this Legislature, the first MPP, to express his concern with the announcement to close the Weyerhaeuser plant. West Nipissing is not his riding, but he did offer, on behalf of the government and the people of this Legislature, all of our assistance.

On November 7, I announced a new northern Ontario heritage fund project. West Nipissing-Sturgeon Falls will be eligible for an unlimited number of projects. For each one, we will pay 75% or \$5 million per project, an unlimited number of projects, to help that community get back on its feet. It's money well spent. It's northerners' money. It will be spent on bringing Sturgeon Falls-west Nipissing back to better than it was before.

HYDRO DEREGULATION

Mr Michael Bryant (St Paul's): My question is to the Minister of Energy. Minister, will you stand in your place today and tell us that you have full and unqualified confidence in the chair and CEO of Ontario Power Generation?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): In fact, there's a chair and a CEO. They're two different people.

Mr Bryant: That's a ringing endorsement. Who said this of Mr Osborne and Mr Farlinger? Who said that we had the best possible management and the best possible chair of OPG? Who said that? You said that, the Minister of Energy, now the member for Simcoe-Grey. Who appointed the current chair and CEO of Ontario Power Generation? Did we do that? Did Eleanor Clitheroe do that? Did Floyd Laughren do that? No, you did that. Who appointed the CEO, for that matter, of Ontario Hydro One? Did we do that, did Floyd Laughren, did the people? No. You did that. Who's paying them \$2 million a year, the head of your Hydro Hydra? Who's doing that? You're doing that. You're trying to point fingers. First it's Mother Nature, then it's Clitheroe, then it's Floyd Laughren. Now it's Osborne; then it's Farlinger. Who's to blame for the shipwrecking of the Hydro Hydra? You are, the Harris-Eves government, who destroyed the electricity system in the province of Ontario.

Hon Mr Baird: I didn't hear a question there, but it was a good theatrical performance.

JUNO BEACH CENTRE

Ms Marilyn Mushinski (Scarborough Centre): My question is for the Minister of Culture. Minister, I understand that on November 7, Premier Eves announced this government's support in the amount of \$1 million for the Juno Beach Centre in Normandy, France. With the support of this government, I understand that the Juno Beach Centre is now \$7 million closer to their \$8.1-million goal. The centre is scheduled to open on June 6, 2003, June 6 representing the date in 1944 when over 21,000 Canadian soldiers stormed the beach code-named Juno in the small fishing port of Courseulles-sur-Mer. Three hundred and forty Canadians gave their lives, 574 were wounded, and 47 were taken prisoner.

Minister, could you please tell this House what the Juno Beach Centre will mean to the people of this province?

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): First of all, I want to thank the member of Scarborough Centre for the question. I was pleased to be at the announcement, along with Premier Eves and Minister Runciman, which was also attended by many of the veterans, the men and women who have served this country so well.

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There are certain times in history which are defining moments for our country. In World War I it was Vimy Ridge, and in World War II it was Juno Beach. This is where our troops gained the recognition that they really needed to have. The Juno Beach Centre will be more than just a memorial; it's a memorial honouring Canadian veterans of World War II, and it will be a memorial museum as well.

I want to congratulate, in particular, Garth Webb, who is the president of the Juno Beach Association. I'd also like to mention Don Kerr, whom I've met, who is a volunteer and veteran who strongly believed in Juno Beach and brought this idea to my attention, through our member John O'Toole. These are the people who really served our country; it's important for us to recognize that, and that's why we're all very pleased to support this wonderful project.

Ms Mushinski: Thank you for that response, Minister. I also understand that the Juno Beach Association asked our government for a \$250,000 contribution and that Premier Eves in fact contributed \$1 million. I am sure this came as a very pleasant surprise to all who were present. The Juno Beach Centre is designed to honour Canadian men and women, and the people of the province of Ontario, who gave their lives in the fight for freedom.

I spent November 11 representing the province of Ontario at the Remembrance Day ceremony at the Toronto Zoo. I also spoke at the local Scarborough Royal Canadian Legion "Dambusters" branch 617 about Canada's extraordinary wartime effort, unparalleled by any other country. Could you please tell this House why we should continue to invest in Canada's military past?

Hon Mr Tsubouchi: I thank the member again, but the question shouldn't be, "Why should we?" The question should really be, "How could we not participate in a very important project?"

The Premier also announced that we now have a commitment to build a war memorial on the grounds of Queen's Park. I think it will serve the people of Ontario quite well. These were ordinary Canadians, my neighbours and your neighbours, ordinary men and women who served selflessly; people like Wayne Baker, a paratrooper who was dropped off behind enemy lines as an advance scout; Margaret Ackroyd, who was with us at the announcement, who joined the Canadian Army Show in 1943 and entertained the troops until 1946 and is still very active giving the stories of World War II to children across this province; Art Underwood, who was wounded in action; and Jack Harris, who just passed away at the age of 90, who was decorated for saving his tank crew.

These are the men and women for whom I am very proud to stand here today, as are all of us, and say we support the Juno Beach project to support our veterans and thank them very much.

HYDRO DEREGULATION

Mr Howard Hampton (Kenora-Rainy River): My question is again for the Minister of Energy. This week-end, your government launched yet another television advertising propaganda campaign, this time trying to convince people that the skyrocketing cost of hydro that has been privatized and deregulated is going to disappear, trying to hide it from the public. It's bad enough that you refuse to kill hydro privatization and deregulation; it's bad enough that you're going to use billions of dollars of taxpayers' money to subsidize private, profit-driven

hydro companies in the backroom, but to top it all off, you're going to use the public's money on another propaganda campaign to promote your pre-election bribe.

We called your officials in the Ministry of Energy and asked them the cost of this propaganda advertising campaign. They refused to answer. Perhaps you can tell the people of Ontario now how much of their own money you are going to try to use to convince them of this pre-election bribe.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): It may come as a surprise to the member opposite that I don't share his characterization. What we're doing is responding to the real concerns that a lot of working families have, not just about the high cost of the electricity bill on their kitchen table but the fear that they have for the future. The government has heard that concern, and we're responding with specific proposals and legislative measures. We think it's responsible to report back to the people we serve on this important issue.

Mr Hampton: Last spring you spent \$2.3 million on a propaganda campaign telling people that deregulated hydro was going to cost them less, that it was going to be good for them. Now it looks like you're going to spend \$2.3 million trying to hide the cost of privatized deregulated hydro, trying to tell people the bogeyman won't get them. Minister, if you spent \$2.3 million trying to tell people that it's good for them last spring and you're going to spend \$2.3 million trying to hide the skyrocketing hydro bills now, why don't you just admit it doesn't work, that it's a rip-off for consumers, and kill hydro privatization and deregulation? Why don't you do it now?

Hon Mr Baird: Again, it won't come as a surprise to the member opposite that we believe in an open, competitive market in the generation of electricity in Ontario. We've maintained the market and the wholesale aspect to try to encourage more generation. It was a better option than continuing to pile on debt at the old beast of Ontario Hydro. I say to the leader of the third party that that Hydro debt, the beast created by successive governments, isn't dead. That's why we've had to take some pretty solid action to try to deal with the challenges facing our electricity system.

We've had the courage to embrace that. While I've been disappointed that we haven't had the support of the leader of the third party, it warms my heart that all Liberal MPPs who were present for the voting on Bill 35 stood up and voted for it when we did it, on principle.

CONSUMER PROTECTION

Mr John O'Toole (Durham): My question is to the Minister of Consumer and Business Services. Minister, as you probably know, and I'm sure you do, later this afternoon we're debating modernizing Ontario's consumer protection legislation. You've actually taken some very bold initiatives in this legislation. One that attracted me was the capping of variations to written estimates for things like home repairs. That's just one. It also requires

goods bought on the net to be delivered within 30 days or the contract is void. Also, there is the banning of negative option billing. I commend you for these initiatives, great new proposals to have in place. I know your ministry has a great track record of shutting down bad operators. Minister, will this new legislation beef up the penalties—that's the question—against these bad guys in the marketplace?

Hon Tim Hudak (Minister of Consumer and Business Services): I appreciate the member's question. He's right. Before the House for debate later on is Bill 180 for CP21, consumer protection for the 21st century, the biggest overhaul to help protect consumers against scam artists in the last 30 or 40 years.

The member makes a good point. This ministry has had great success in terms of flushing out bad operators and stamping out consumer deception. For example, in the past year or two years, 1,000 charges have been brought forward with over \$1 million in fines that have been allocated, and over \$2 million in restitution has been returned to consumers who have been ripped off by scam artists.

The proposed legislation, if passed, would help to double the fines for individuals and for corporations, and jail times would be boosted to the maximum of two years less a day, the provincial maximum. Finally, we are also increasing the standard limitation period to two years to allow our prosecutors more opportunity to go after the bad guys and to put them out of business.

Mr O'Toole: Thank you for that information, Minister. I'll be pleased to share it with my constituents. I was very pleased to see that the Ernie Eves government and yourself are strongly committed to curbing consumer scams. Your proposed new legislation will be protecting consumers in areas where so far there is no consumer protection law, specifically in the Internet area.

I can tell that you are working for families, not just in my riding of Durham but across Ontario. They're jumping on the Internet quickly, as I'm sure you know, Minister. I can hardly not use this opportunity to recognize the important work done by Durham Regional Police Sergeant Ken Anderson as well as Detective Constable John Bradley, who is an investigator in the computer crime area in my riding of Durham.

I know the proposed legislation will protect on-line consumer competition, but Minister, how would your proposed legislation protect Ontarians who are dealing with companies in different parts of the country, indeed different parts of the world?

Hon Mr Hudak: The member raises an excellent question. We want to make sure that people who are jumping on-line for transactions, and doing so increasingly, can do that with increased confidence in the laws that back up the system. We want to take those rogues who are lurking on the Internet and reinforce confidence in this industry.

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We have worked with the other provinces for a harmonization agreement that would apply across Canada. For example, a 30-day rule for delivery of a good or

service when contracted for would be reinforced by our legislation, CP21, if passed, and would apply through harmonization to all such agreements across Canada.

Similarly, we want to work with operators across North America and throughout the world in harmonizing these rules where possible, so people will have confidence when making a transaction across the Internet. We want to make sure that Ontario is a much less attractive jurisdiction for scam artists and more attractive for on-line e-commerce.

The Speaker (Hon Gary Carr): I apologize; I did miss the rotation. It will equal out. We'll do two Liberal questions. I went to the wrong side, even though it said it here.

DIAGNOSTIC SERVICES

Mrs Sandra Pupatello (Windsor West): My question is for the Minister of Health. On Thursday after midnight you released your press release that announced private MRIs and private CTs coming to Ontario and that you would have requests for proposals from several communities to open private MRIs and CTs, what we believe is a two-tier health care system.

I would like the Minister of Health to tell the community of Huntsville—this is a community whose hospital has made a submission to you for permission to have a CT scanner. Those people have been waiting for an answer. They know they're responsible for raising the money to purchase the equipment. You've ignored that proposal, but you've gone forward to include Huntsville as a potential community for a private CT. Could you please explain to that community why you are so bent ideologically to the private sector when the hospital is waiting and begging for a CT?

Hon Tony Clement (Minister of Health and Long-Term Care): It will come as no surprise to this chamber that I take issue with pretty well everything the honourable member said in her characterization of this initiative to bring greater accessibility to diagnostic services to the people of Ontario.

First of all, she should know that this initiative was originally signalled in the throne speech of this government, in the budget of the Minister of Finance and by me in July. If the honourable member didn't take time to pay attention, perhaps she's the only one who is surprised.

She insists that this is two-tier medicine. Nothing could be further from the truth. This is about accessibility, using your OHIP card, to publicly financed universally accessible services—greater accessibility to diagnostic services throughout the province of Ontario, yes, in stand-alone clinics. We make no apology for the fact that we rely on stand-alone clinics as well as hospitals to deliver excellent services. We announced three MRIs and a previous CT as part of our initiative in advanced diagnostics. We are providing that in hospitals, throughout our community—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

Mrs Papatello: Minister, based on your answer I'm going to presume that what you said in July still holds true. What the Minister of Health said in July is that people can pay cash for a CT or an MRI. That's what you said in July. When you were pushed by journalists to answer that question, you said, "Yes, people can pay cash." What you're saying today and in your press release is that suddenly you've changed your mind on that tack. The point is that you are not to be believed. All the things you say one week no longer hold true the next week. Hydro is a perfect example of that.

What you said last July was that people would pay cash in a private system. What we know is that there are a host of communities who have asked for permission from you, who know they have to raise money for an MRI or a CT. Those communities include Belleville, Chatham, parts of Ottawa, Cornwall, Hamilton and Etobicoke. What I'm asking this minister is, how can you ignore those submissions that are already on your desk asking for approval when they have to raise the money for the machines? You've ignored them and you've gone to other communities to announce private MRIs and CTs. What rationale could you possibly have—

The Speaker: I'm afraid the member's time is up.

Hon Mr Clement: The honourable member is confused. The honourable member should have checked very carefully the notes on the July announcement. The issue was queue-jumping, and I made it very clear that queue-jumping will not be allowed in the province of Ontario. We have stricter rules than anywhere else in Canada, and we are proud of that fact.

If the issue is uninsured services, our emphasis is on insurance services, but just as in a hospital right now you can get an uninsured service, that is the case in stand-alone clinics as well. If the honourable member has a problem with stand-alone clinics, she should stand in her place right now and say that the Liberal Party of Ontario is against stand-alone clinics. Perhaps she's against the Diagnostics Imaging Associates located at 600 Tecumseh Road East in Windsor. Perhaps she's against the Essex X-Ray Ultrasound & Mammography clinic at 2462 Howard Avenue, Windsor. Perhaps she's against the Windsor Radiological Associates clinic at 410 Giles Boulevard East in Windsor.

You stand in your place and say you're against stand-alone clinics and the Liberal Party is against them. You stand in your place and say you're against increased accessibility. You do that, and then we'll have the debate.

Applause.

PENSION LEGISLATION

Mr George Smitherman (Toronto Centre-Rosedale): I was pretending the applause was for me, Mr Speaker.

My question is to the Minister of Finance and it concerns provisions of Bill 198 which include significant amendments to pension law in this province. If passed, this bill will be retroactive to 1988, wipe out current, pending cases, overrule pension agreements and remove rights of appeal to the courts. Perhaps most incredibly, it

sets Ontario apart as a jurisdiction—because you can't do this in the United States of America—where CEOs will be encouraged to raid any pension fund where an actuary's report might indicate that a surplus exists.

Madam Minister, how is it that you could use a bill designed to restore investor confidence to rob employees of their rights and to encourage pension fund raiding through the introduction of the Conrad Black clause?

Hon Janet Ecker (Minister of Finance): I really suggest that Liberal research needs to hire somebody with a little bit of expertise in reading legislation, in reading policies and understanding pensions, because the legislation that he cites in this House does not interfere with court cases; it does not take away pensioners' rights; it does not allow employers to raid pension funds. For the honourable member to suggest this is being—well, I would like to stay polite, so I won't say what I think it is, but it is fearmongering at its best.

Mr Smitherman: Madam Minister, if you're so confident in your analysis, agree today, before this Legislature, to put this bill out to public hearings and let Ontarians have this debate, because a very clear reading of section 79.1 clearly indicates that an actuary's report will allow corporate raiding of surplus pension funds. Won't you agree that since 1988, when the member from York stood and introduced legislation, both employers and employees have been involved in the discussion around matters relating to pension windup? Those employee rates in this legislation, under the provisions that you've introduced, are eviscerated.

Will you put this out for public hearings? If you're confident in the positions that you take, put this out for public hearings.

Hon Mrs Ecker: Again, where has the honourable member been? There has been public consultation on this. As a matter of fact, we put out a discussion paper and invited all stakeholders to participate. We announced in the budget that we were going to be proceeding, and then do you know what we did? We did more consultations.

Interjections.

Hon Mrs Ecker: He asked the question and now he doesn't want to hear the answer. There has been considerable public consultation on this. There is nothing in this legislation that takes away the rights of pensioners or interferes with the rights of pensioners or their earned benefits. In fact, what this legislation does is ensure that the pensions are respected, to ensure the financial solvency of pensions, to make sure that the money is there when a pensioner needs it. That is the pre-eminent goal of the legislative amendments we've brought forward.

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SURFACE WATER MONITORING CENTRE

Mr Bert Johnson (Perth-Middlesex): My question is for the hard-working Minister of Natural Resources, the Honourable Jerry Ouellette, from Oshawa.

Minister, as you know, my riding of Perth-Middlesex has a large agricultural component. That's why I was very interested to hear your recent announcement about a new centre that will help predict and minimize the potential impact of floods and droughts in the province of Ontario. As we all know, information on flood and drought situations is extremely important. Would you please explain to us here today how this centre will work?

Hon Jerry J. Ouellette (Minister of Natural Resources): I thank the member from Perth-Middlesex for the question. Last month, as the member mentioned, I was happy to announce on behalf of the government the creation of the Surface Water Monitoring Centre. This centre will assist in the predicting and informing people of flood and drought conditions throughout the province. The monitoring program is based on over 400 gauges located throughout the province. These gauges will measure the amount of water flow in the rivers and streams as well as the water levels in lakes. The equipment will also record climate data such as precipitation and temperature.

As well, I am happy that we are able to move forward with partnerships with the Ministry of the Environment and the conservation authorities to provide this program.

Mr Johnson: Thanks very much for that answer, because we have heard a lot of misinformation about the number of gauges and testing stations in rivers and streams in Ontario.

As you'll recall, a couple of years ago in July, there was a devastating flood in my riding and the one next to it. It started at Brucefield and came down through Exeter, Woodstock, London and so on. It had a devastating effect by flooding thousands and thousands of good fields of crops, and it left livestock situations that were totally intolerable, with too much water.

I have heard that this new centre will be a consolidation of two old—

Interjections.

The Speaker (Hon Gary Carr): Order, members. The member has a sore throat. Could we keep it down, please? It's difficult for him.

Sorry, member for Perth-Middlesex.

Mr Johnson: Minister, it will be a fantastic advantage having the staff in one location, but what will the other benefits of this consolidation be?

Hon Mr Ouellette: I thank the member again for the question. Yes, there are over 400 gauges located on streams, rivers and lakes throughout the province. The centre, to be located in Peterborough, will bring together the drought experts along with the flood experts. Bringing these experts together maximizes their expertise for more informed decisions to help reduce the risks to both people and property. Increased public safety is the main motivation. As mentioned, this would assist with a quicker response and would aid communities such as the member's in situations that deal with floods, as he mentioned earlier on.

The MNR plays a very important and lead role in forecasting floods and droughts for the province, and in the protection of life, I might add. The centre will certainly expand those abilities here in the province of Ontario.

FUNDRAISING

Mr Tony Martin (Sault Ste Marie): My question is for the Minister of Consumer and Business Services. Minister, the alcohol and gaming commission is wreaking havoc on local fundraising efforts in my city, Sault Ste Marie. Organizations like the Marconi Club, the Elks, the Legion and many others are being told that the way they have always raised money to support community events can no longer happen. They are being denied lottery licences they have always gotten, and they are unable to pay their own expenses from the small amount of money raised. This means they can no longer fund community activities such as minor hockey and the local band that plays in hospitals for sick kids. Some are faced with closing their doors.

Minister, what are you going to do immediately to ensure that our local clubs can still conduct the small fundraising events that we've all always relied on?

Hon Tim Hudak (Minister of Consumer and Business Services): I appreciate the question of the member from Sault Ste Marie. I think certainly all of us in the Legislative Assembly understand the important role charities play in helping to support vulnerable citizens or other good causes in communities, whether it's Sault Ste Marie, Fort Erie or Beamsville.

With respect to the issue of legalized gaming—obviously a very important and sensitive issue, something that's governed by the Criminal Code as well as the alcohol and gaming control commission in the province of Ontario—we want to make sure that we can help support charities and work within the law. If the member has some particular concerns, I would be pleased if he sent them over to me here in the assembly, and I can ensure that they get the proper attention.

Mr Martin: As a matter of fact, I have a number of, I think, really good suggestions. I'd like to meet with you within the next week or two to talk about those, if you would agree.

Our local clubs and groups do not want to have to rely on outside fundraisers that keep up to 80% of the money they raise for themselves. They want to raise money from the local community and spend it in the local community. But the way this government is enforcing the rules makes that impossible. We need to be empowering these local groups, not cutting off their lifeline.

Your government takes such pride in cutting red tape, but you are choking off these groups with that same red tape. The current rules aren't working and they need to be changed.

Will you promise today to conduct a review of the criteria for issuing lottery licences to ensure that the

small charitable organizations can fundraise and continue to provide essential services to the community?

Hon Mr Hudak: Certainly this government, the Ernie Eves government, takes great pride in eliminating red tape to help support job creation, in fact record job creation across the province of Ontario, and similarly, cutting red tape to help empower charitable groups in their important purposes.

Obviously when it comes to gaming regulations, we want to make sure that we maintain the integrity of the gaming and comply with Criminal Code law with respect to gambling enterprises. That having been said, I'd be very pleased to discuss with the member a meeting he wants to set up. In fact, I'm here both this afternoon and this evening if he wants to come over. We could talk about it and I could look into the specifics of the concerns he has brought forward on behalf of the community of Sault Ste Marie.

OHIP BUILDING

Mr John Gerretsen (Kingston and the Islands): My question is to the Minister of Health and Long-Term Care. Minister, you know there's a very serious health concern with respect to the OHIP building in Kingston. This matter has been like that for at least the last 10 years or so. As a matter of fact, there have been statements made that up to 14 employees who have worked in the building have suffered from breast cancer, and another 32 individuals suffer from other forms of cancer.

A recent study that was conducted by OPSEU Local 468 clearly indicates that there's a problem with respect to coal tar residue beneath the foundation of the building. The union has gone to the lengths of getting the study done. It clearly indicates that there's been a problem there for the last 15 to 20 years.

Minister, will you now do the right thing and completely fund an independent, third-party study so that we can once and for all get to the bottom of this, and also give us your commitment here today that when that study is done and completed, it will be released to the public so it can give a certain amount of surety and safety to the people who work in that building?

Hon Tony Clement (Minister of Health and Long-Term Care): Yes, I believe the Chair of the Management Board can answer that question.

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): First of all, I must say that all of us are concerned about the health and safety of any of our workers. Having said that, I will say this, that the Ontario Realty Corp is currently in the process of retaining a reputable consultant to conduct the testing required in the facility. It is important for us to complete this testing. It's of an urgent nature for all the employees there, and we certainly consider it that as well.

Mr Gerretsen: I appreciate that, and I hope we will actually see that happen, because there's been a concern of the employees there for quite a considerable period of time.

As you know, you no longer own the building. The building is owned by a third party. Although you are responsible still for the environmental situation that existed there at the time the building was sold, there are major concerns that the owner of the building will not give you access to the building, so that in effect the tests that GeoCor, which is a very reputable Kingston engineering firm that did the study for Local 468 but were not able to get into the building—that you once again, or whoever does the study, may be denied access to the building to do the necessary test hole drilling in the foundation of the building to determine exactly what the status is.

This is a major concern, Minister. I hope that you will not put this out for a further study but that you will actually get to it and agree today to fund the study and make it public once the study has been completed.

Hon Mr Tsubouchi: First of all, if I could say, the Ministry of the Environment has been asked to participate in the investigation, and the Ministry of Labour as well, so we're making sure that all the bases are covered with this particular area.

The studies, which will be done by ORC, would be shared with the joint health and safety committee. So that's important for the member to know as well.

If I could give some assurances, certainly this has occurred before in the past, as the member knows, that other studies have been done. In fact, the last one was done as recently as—I believe the testing results were received in January of this year, earlier on, which indicated that there were no air quality concerns at the time.

However, I'll say that when the concerns are raised again, it's important for us to give that assurance to our employees that we have committed to conduct another study to make sure their working conditions are safe. It's important for us over here, and that's why we, along with the Minister of the Environment and Minister of Labour, have committed to do these studies to give that assurance, because they are our employees.

1510

PETITIONS

CITY OF WINDSOR ADMINISTRATION

Mr Dwight Duncan (Windsor-St Clair): Last week, I was presented with a petition by Mr Al Nelman and 2,500 other citizens of our community of Windsor, which reads as follows:

"Whereas the citizens of Windsor, Ontario, have seen the greatest period of sustained growth and resulting prosperity in the city's history;

"Whereas the citizens of Windsor, Ontario, have been presented with a plan which acknowledges a debt of \$225 million by the year 2005;

"Whereas city council has been unable to control the city's administration, leading to unauthorized multi-million-dollar contracts;

"Whereas the mayor and a majority of councillors have failed to provide communal services and infrastructure maintenance efficiently and at the lowest possible cost;

"Whereas the mayor and city council have been reckless in the use of land expropriation, leading to the loss of millions of tax dollars;

"Whereas city council has used in camera meetings to excess, thereby depriving the citizens of Windsor of important public information;

"Whereas city council has arbitrarily reduced public meetings from weekly to biweekly, coupled with a five-minute limit for delegates to make a presentation drastically reducing public scrutiny and input;

"Whereas city council continues to enter into further unmandated risky commercial undertakings, the pursuit of which continues to divert tax dollars from necessary expenditures;

"Whereas there have been cases of criminal behaviour by members of the administrative staff which have been dealt with under a cloak of secrecy, denying citizens their right to know the extent of the damage they have sustained;

"Whereas taxpayers in the city of Toronto have benefited from a forensic audit, the taxpayers of the city of Windsor believe that an arm's-length investigation is essential;

"Whereas a significant number of the citizens of Windsor no longer trust city council to take care of their interests;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Request the Minister of Municipal Affairs to immediately undertake a forensic audit of the city of Windsor's finances and administrative procedures."

I table this on behalf of Mr Nelman and 2,500 other citizens of Windsor.

POST-SECONDARY EDUCATION FUNDING

Mr Bob Wood (London West): I have a petition given to me by the University of Western Ontario's Society of Graduate Students and signed by 582 people. It asks the Legislature to "freeze tuition fees for all programs at their current levels and take steps to reduce the tuition fees of all graduate programs, post-diploma programs and professional programs for which tuition fees have been deregulated since 1998."

GOVERNMENT OFFICES IN BRANT

Mr Dave Levac (Brant): I have a petition to the Legislative Assembly of Ontario, signed by well over 1,000 people.

"Whereas Brantford is a community of more than 89,000 people, and combined with the community of Brant county, the population exceeds 110,000; and

"Whereas the business community of Brantford and Brant county warrant and deserve the service they have come to expect from the Ministry of Finance Brantford district tax office; and

"Whereas the Mississauga regional tax office continuing business plan strategic priority number one is building a customer-centred public service that provides service when, how and where the customers want it;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We would like to propose that not only should the location and services offered by the Ministry of Finance be kept in Brantford, but they should be expanded to include a much-needed permanent location authorized to issue health cards by exploring the following alternatives: (1) maintain the status quo at 213 King George Road in Brantford; (2) relocate to 10 Fairview Drive, former OPP station in Brantford" owned by the government; "(3) build a new office in a central location; (4) investigate available vacant buildings that would be suitable" for the proper process of multi-government offices.

I sign this and support our constituents in Brant.

LONG-TERM CARE

Mr James J. Bradley (St Catharines): This petition is to the Legislative Assembly of Ontario.

"Whereas the Eves government has increased the fees paid by seniors and the most vulnerable living in long-term-care facilities by 15% over three years or \$3.02 per diem in the first year, \$2 in the second year and \$2 in the third year, effective September 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month after three years; and

"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario for the year 2002; and

"Whereas, according to the government's own funded study, Ontario will still rank last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan back in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and that the provincial government provide adequate funding for nursing

and personal care to a level that is at least at the average standard for nursing and personal care in those 10 jurisdictions included in the government's own study."

I affix my signature. I'm in complete agreement.

COMPETITIVE ELECTRICITY MARKET

Mr Tony Ruprecht (Davenport): I have a petition on the electricity increases in Ontario. The petition reads as follows:

"Whereas the Ernie Eves Conservative government has legislated the opening of the Ontario electricity market as of May 1, 2002, and the price per kilowatt hour for electricity in the province of Ontario has nearly quadrupled since May 1; and

"Whereas Ernie Eves has done a poor job in educating the public as to the ramifications of an open electricity market in the province of Ontario and has done little to punish the unscrupulous sales practices of door-to-door energy retailers; and

"Whereas the Ernie Eves government appointed the board of directors for Hydro One, who approved exorbitant salaries and compensation packages for Hydro One executives;

"Be it resolved that the Ontario government move immediately to protect our province's electricity consumers by addressing the serious generation problem in Ontario, by punishing unscrupulous electricity retailers and by moving forward with a rebate to offset the increasing costs of electricity in Ontario."

Since that is being contemplated, I am delighted to put my name to this petition as well.

Mr Pat Hoy (Chatham-Kent Essex): I've received petitions with hundreds of names, actually thousands of names in this regard.

"To the Legislative Assembly of Ontario:

"Whereas the Ernie Eves Conservative government has legislated the opening of the Ontario electricity market as of May 1, 2002, and the price per kilowatt hour for electricity in the province of Ontario has nearly quadrupled since May 1; and

"Whereas the Conservative government of Ontario has done very little to address key issues such as energy supply, which forces the province to import power and causes the price of electricity to skyrocket; and

"Whereas Ernie Eves has done a poor job in educating the public as to the ramifications of an open electricity market in the province of Ontario and has done little to punish the unscrupulous sales practices of door-to-door energy retailers; and

"Whereas the government of Ontario has saddled the population of Ontario with additional debt reduction charges, which further increases the amount that the citizens of Ontario have to pay per kilowatt hour, yet the Hydro debt continues to increase; and

"Whereas the Mike Harris-Ernie Eves governments appointed the board of directors for Hydro One, who approved exorbitant salaries and compensation packages for Hydro One executives;

"Be it resolved that the Ontario government move immediately to protect our province's electricity consumers by addressing the serious generation problem in Ontario, by punishing unscrupulous electricity retailers and by moving forward with a rebate to offset the increasing costs of electricity in Ontario."

I too have signed this petition.

1520

EDUCATION FUNDING

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): "To the Legislative Assembly of Ontario:

"Whereas the funding for school boards is now based on the student-focused funding legislative grants for .. 2001-02....;

"Whereas the Hastings and Prince Edward District School Board is in a period of declining enrolment, a trend that is projected to continue over the next five years;

"Whereas application of the student-focused funding model for 2001-02 does not allow sufficient funding to the Hastings and Prince Edward District School Board for secretarial support in schools, principals and vice-principals, transportation or school operations;

"Whereas costs in these areas cannot be reduced at the same rate as the enrolment declines;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To reassess the student-focused funding" formula for 2002-03 "to provide additional funding for those areas where funding is insufficient and to adjust future student-focused funding legislative grants to address the situation of declining enrolments faced by the Hastings and Prince Edward District School Board and other boards in Ontario."

I'm very happy to affix my signature to this petition.

LONG-TERM CARE

Mr John Gerretsen (Kingston and the Islands): I have here a petition that deals with the long-term-care rate situation. It's addressed to the Legislative Assembly of Ontario.

"Whereas the Eves government has increased the fees paid by seniors and the most vulnerable living in long-term-care facilities by 15% over three years or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year, effective September 1, 2002; and

"Whereas this increase will cost seniors and our most vulnerable more than \$200 a month after three years; and

"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario for 2002, and

"Whereas according to the government's own funded study, Ontario will still rank last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and that the provincial government provide adequate funding for nursing and personal care to a level that is at least at the average standard for nursing and personal care in those 10 jurisdictions included in the government's own study."

It has been signed by approximately 1,000 residents from Halton. I agree with it. I affix my signature to it. I'm handing it over to Brian, our new page here.

COMPETITIVE ELECTRICITY MARKET

Mr Dave Levac (Brant): I have a petition to the Legislative Assembly of Ontario regarding hydro, signed by hundreds of residents in my riding.

"Whereas the Harris-Eves government deregulated electricity on May 1, 2002, in the province of Ontario without it being in their election platform in either 1995 or 1999 and without the mandate of the people of Ontario; and

"Whereas the price of the commodity of electricity has reached outrageous levels, having risen at times over 100% since May 1, 2002, causing Ontarians great financial hardship; and

"Whereas Ontario Power Generation (owned by the Ontario government) has applied to the Ontario Energy Board for a 20% reduction in the promised rebate to Ontarians if the commodity price of electricity rose above 3.8 cents per kilowatt hour; and

"Whereas competition in the electricity market has been scared off by the uncertainty of the Harris-Eves government's attempts to sell off a portion of Hydro One, leaving electricity commodity prices high; and

"Whereas the Harris-Eves government authorized exorbitant salaries and bonuses in the amount of \$2.2 million per annum to be paid to the former president of Hydro One, and in excess of \$1.6 million per annum to the vice-president of Ontario Power Generation;

"Therefore we, the undersigned, petition the Legislative Assembly as follows:

"We demand that the Harris-Eves government take immediate action to ensure that Ontarians have fair prices for the necessary commodity of electricity in Ontario, and that the Harris-Eves government and its leader, Ernie Eves, call a general election on the instability of the

energy market so that Ontarians can have a voice on this issue."

I sign my name on this petition and hand it over to Nicholas.

SCHOOL BUS SAFETY

Mr Pat Hoy (Chatham-Kent Essex): I have a petition to the Legislative Assembly of Ontario.

"Whereas some motorists are recklessly endangering the lives of children by not obeying the highway traffic law requiring them to stop for school buses with their warning lights activated;

"Whereas the current law has no teeth to protect the children who ride the school buses of Ontario, and who are at risk and their safety is in jeopardy;

"Whereas the current school bus law is difficult to enforce, since not only is a licence plate number required but positive identification of the driver and vehicle as well, which makes it extremely difficult to obtain a conviction;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the measures contained in private member's Bill 112, An Act to amend the Highway Traffic Act to protect children while on school buses, presented by Pat Hoy, MPP, Chatham-Kent-Essex, be immediately enacted. Bill 112 received the unanimous all-party support of the Ontario Legislature at second reading on June 13, 2002....

"And we ask for the support of all members of the Legislature."

I too have signed this petition.

ORDERS OF THE DAY

KEEPING THE PROMISE FOR A STRONG ECONOMY ACT (BUDGET MEASURES), 2002 LOI DE 2002 SUR LE RESPECT DE L'ENGAGEMENT D'ASSURER UNE ÉCONOMIE SAINTE (MESURES BUDGÉTAIRES)

Resuming the debate adjourned on November 7, 2002, on the motion for second reading of Bill 198, An Act to implement Budget measures and other initiatives of the Government / Projet de loi 198, Loi mettant en oeuvre certaines mesures budgétaires et d'autres initiatives du gouvernement.

The Acting Speaker (Mr David Christopherson): It's my understanding that we will resume debate with the member for Toronto Centre-Rosedale, who may now assume the floor.

Mr George Smitherman (Toronto Centre-Rosedale): It's my pleasure to have an opportunity to continue the Liberal lead in response to government Bill 198, dealing with certain measures related to the budget, but not in its title or in any of the communications of the govern-

ment—it needs to be said here very clearly at the beginning—dealing with the fact that this is the bill that repudiates the government's track record and language around "tax cuts pay for themselves." This is the bill, this is the very one, that if the government didn't change a law, they would be breaking the law by stopping or slowing down tax cuts they had already proposed.

The Liberal Party is clear on this, but it's worth repeating that the proposed cuts they want to slow down, we want to kill altogether. There is the private school tax voucher that sends an incentive to take kids out of the public system and into private schools. We're going to kill that.

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): That's not what you said at your riding association last week.

Mr Smitherman: I don't know what the minister from London—I'll look forward to her opportunity during questions and comments to try and correct the record, but she's obviously mistaken and should get to work.

Secondly, we are going to kill those corporate tax cuts, because we don't believe that Ontario's future is best reflected in a race to the bottom with Alabama. That's what the government of the day proposes. We're going to get rid of those.

Another thing this Bill 198 doesn't in its face talk about is the unprecedented action of turning back the clock to 1988 on the pension funds of employees in this province of Ontario. This is the bill that is loaded with the ghost of that man who has decamped for London, England: Conrad Black. If you pay no attention to anything else with respect to this bill, particularly for those people at home who were watching question period, as they know, I asked a question with respect to section 79.1 of this bill. They know I asked that question of the minister. In her answer, the minister went to great lengths to deflect from the reality of what's going on here. So I'm going to spend a reasonable amount of time informing people what the effects of this section of that bill are.

The minister spoke about consultation, about a consultation paper. First off, the paper she refers to did not in any way outline or raise the draconian steps they took when legislation was brought forward. So to say there was a consultation paper is true, but the contents of that paper did not reflect the actions this government took with respect to pensions in Ontario.

The minister said Bill 198 does nothing to change the role of employees as it relates to pensions. Not true. In 1988, under extraordinary pressure brought about by Conrad Black's attempt—I think he was successful—at raiding the pensions of the employees of Dominion stores, the government of David Peterson, led at that time by the Minister of Consumer and Commercial Relations, my colleague Monte Kwinter, introduced legislation that ensured, on matters of pension windup, that both employees and employers had a role to play.

1530

Although pension matters are complex, for the better part of 15 years, through three successive governments, through governments of three different political stripes, this operated reasonably well, but we see in this legislation a capitulation to voices like the Canadian Bankers Association. The corporations in our society, as a result of their chartered status, had an opportunity to be very successful, and I celebrate their success, but their lobbyists have been lined up at the government's door, at the minister's door, in an attempt to ensure that these pension provisions were in there. They're in this bill at the behest not of employees, not of average working-class Ontarians, not of the people who pay into their pensions and not of the people who depend upon them; they're in there at the behest of the largest corporations in our province, and if it's not bad enough that they're changing the legislation for the future, they're letting them reach back 15 years—retroactive legislation that has the effect of wiping out employee rights, of changing pension agreements—no protection whatsoever.

When the questions are asked of the Minister of Finance, she dodges and weaves and doesn't answer with the full effect of the law in mind, and I say that's a shame. I say it's a shame that in Ernie Eves's Ontario we have a government minister, the Minister of Finance, bringing forward legislation to claw back the rights of employees in a way that even Mike Harris didn't contemplate doing. That's how bad it's gotten.

Is it anything more than a coincidence that the same law firm that Mr Eves was working at during his golden year, Borden Ladner Gervais, is also the pension specialist representing Scotiabank, which because of their purchase of National Trust stands as the biggest beneficiary of this legislation? Is that any coincidence? I don't know if it's a coincidence, but we've got a demonstrated pattern here whereby corporate players can always get the ear of the Minister of Finance, but the average person who depends upon their pension benefits for survival in their golden years—can they ever get the ear of the Minister of Finance? No.

When we ask to provide an opportunity for this massive bill, 168 pages, something like 25 significant statutes amended—when we ask in a reasonable way for the government to consider sending that legislation out for public hearings, to give the citizens of Ontario a voice so that they can highlight the extent to which they're impacted by it in this section and in the sections dealing with changes to the operation of the Ontario Securities Commission and dealing with the sections that amend the way benefits will work for people involved in auto accidents—just three of those sections, all of them dealing with individual Ontarians—when we ask in a reasonable way for the government to send this legislation out to committee to give average Ontarians a chance to put their views on the record, what do we get from the government in response? We get stonewalling and we get rhetoric and we get a minister hiding behind a discussion paper that only ever went to the players, to the

insiders, to the \$350-an-hour types—nothing to protect the rights of those individual Ontarians who are now sitting in limbo, at one time certain and now uncertain of whether their pension funds will be properly paid out.

Then we've got the Conrad Black clause, 79.1. What does 79.1 do? Section 79.1 opens Ontario up to be the first jurisdiction in North America—no US state allows what is proposed in this bill. What is proposed in this bill is that any corporate CEO—some of them are better than others—who gets in his or her hot little hand a report from an actuary—and this is not a science around which there is ultimate agreement—which says, “You have a surplus in these funds,” the incentive is there to claw that money back to the benefit of the corporation without any consideration, any discussion, any consultation with the employees who have paid into it and who are depending upon it.

That's what we're asked to accept as an appropriate way of dealing in Ernie Eves's Ontario. Mike Harris didn't do it. Bob Rae didn't do it. David Peterson didn't do it. But under pressure, this Minister of Finance, led by that Premier, has capitulated in a way that will allow corporate raiders—not just allow them; it will incent them, it will encourage them—to find an actuary who will produce a report about their pension that says it's in surplus and grab it, take the money and run.

When this government introduced this bill, because they didn't want to talk about the fact that they were going backwards on their tax cut pledges, they used their little backdrop at their media event that said, “Restoring public confidence. Restoring investor confidence.” Well, let me ask you this: how much confidence should the public have in a government that sends a message to the corporate world that any time their pension funds get in surplus they should be a source of raider activities? How does that restore investor confidence?

Will we have a situation like the one we've had in the United States in the last month or two where two of the Big Three car makers, General Motors and Ford, I believe, were highlighted for the fact that their pension plans were in a dangerous way? Should we celebrate that we have pension funds which are solid? Should we celebrate that we have pension funds which have the capacity to withstand some of the ups and downs we've all learned too much about in these past two years? Or should we have pension funds which are highlighted in the corporate prospectus and put out there for the corporate raiders as some kind of signal, as some kind of golden pot, designed to lure the corporate raider in to scavenge those funds and to put at risk the corporation, particularly the pension fund's capacity in the long term to provide for the retirement funds of those individuals who have paid into it?

This bill is such a lopsided dividend payment to the corporate players in this province at the expense of the hard-working people. For the Liberal Party's part—sometimes you get to stand up in this Legislature and vote yes or no with a certain level of enthusiasm, but we vigorously oppose this legislation on so many counts. It

fails hard-working Ontarians. It jeopardizes their future capacity to rely on the pension funds that they have contributed to.

So we ask ourselves, why is the government bringing this forward at this time? We know these changes are ones that the corporate entities would have preferred in 1988, 1989 and 1990. We know that this has been the subject of intense lobbying of all finance ministers of all political parties. But we ask ourselves at this time, why did Janet Ecker, the Minister of Finance of the day, capitulate with this golden egg for the corporate entities? One is left to speculate, because the government does not provide us with a very clear understanding of it. I ask the question again whether the relationship where Mr Eves's former role at Borden Ladner Gervais, the lawyer for National Trust and Scotiabank, which are the most likely beneficiaries of this legislation—has that relationship got something to do with it? Did that help get people to the front of the line, or is it other elements of this bill, including slowing down, with a bit of a nudge and a wink to the corporate community, some of the tax cuts that had been promised?

1540

For our part, the Ontario Liberal Party position is clear: we vote against this legislation. We oppose it with vigour. We think it's a huge reward to the corporate community for their loyal support of the government opposite. We think it is an awfully profound example of the extent to which, when the decisions are being made, the voices and influence of the corporate community are at the table and in the ear of the people who make the decisions. And the people with their pensions, put at risk by this kind of legislation, their ear, their representatives and their desire to express at public hearings their opinion on this continues to be stonewalled against hiding behind discussion papers that were never circulated at their level and with legislation that goes so far beyond the discussion papers so as to make a mockery of that entire process.

Last week in the Toronto Star, I believe it was, there was an editorial cartoon that showed a US border jail and three inmates chained to the wall. The first said, “I'm a suspected terrorist.” One said, “I bought gas in Maine,” and the third said, “I'm a pension-fund-raiding CEO.”

But they're behind bars. Maybe they're behind bars because in the US circumstance, this kind of activity would be outlawed; it's illegal. I repeat what I said earlier: with this piece of legislation, Bill 198, section 79.1, the Conrad Black clause, the Minister of Finance, Janet Ecker, sends a message forth to the whole world: “Pension funds are up for grabs. Come and get yours today. To all of those CEO pension-fund-raiding types.” We know their faces sometimes glimmer at us on screens on Kudlow and Kramer and across business magazines. We know there are people out there whose individual bottom-line interest moves forward of the rights and interests of individuals, of hard-working people who invested in their pensions. When Liberals vote on Bill 198, we will vote against this bill, we will

vote against this government and we will vote against corporate raiding of pension funds. We're voting in favour of people.

The Acting Speaker: Members now have up to two minutes for question and comments.

Mr Gilles Bisson (Timmins-James Bay): I'm going to have an opportunity later to speak more fully on this, but I want to echo much of what was said by the member who just spoke, because I agree with him that this move on the part of the government with regard to how they're going to treat pension surpluses, quite frankly, is beyond the pale. There has been a standing rule since 1991 that was put in place by the former NDP government that basically says, in the case of partial windups, there is a mechanism for people to be able to deal with those windups. The effect of that was quite simple: employees, through their bargaining units, would sit down with employers if there were partial windups, they would look at how to utilize that money in order to build better pension plans so people can afford to retire with some dignity. If there was a reason to pull the money out—because there are times when a plan is fully funded, you've bought the maximum benefit and there is a surplus; you have to figure out a way to get that money out—there was a mechanism that basically said that when you do that, it can only be done with the consent of plan members, the people who are benefiting from the benefit. Usually that ended up being a 50-50 withdrawal. In most cases, that's where it ended up.

This move this government is attempting to do by way of this move in Bill 198 is to basically say, "Employees be damned. You don't have a say. If there is a partial windup of a pension plan, the employer will have the right to be able to go in and scoop that money without any ability for the employees to do anything about it." Quite frankly, that brings us not only back to where Conrad Black was in 1988; I would argue it brings us even further back than that. I'll have an opportunity to speak to that a little bit further.

I also want to indicate that our caucus, the NDP caucus, will be voting in opposition to this bill, not only because of what's inside the pension regulations, which I'll get into later, but because there's much in this budget bill that is not the direction we think the government should be taking when it comes to this issue of finance, and we'll speak to that a little bit later in the debate.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It is a pleasure to have what they traditionally call a two-minute hit in terms of what the member for Toronto Centre-Rosedale spoke about. There are many issues and good things in Bill 198; it's not only about pensions. I want the people at home to know that there are many good things, and I must remind them that it's not the first time the opposition will be voting against it; they have made that very clear. They have voted against pretty well every measure we brought forward, even in terms of giving \$200 back to Ontario taxpayers. They didn't like that, and I'm not sure why.

Over the weekend, I was very happy to meet a couple, the Hardatt's who were at a social function I happen to be

at. I thought I had seen them somewhere, and I realized later that I had seen them in the newspaper. They were the people who were there when Premier Ernie Eves rolled out his plan about hydro. I was pleased to meet the ordinary, hard-working citizens of Mississauga who are quite pleased. In fact, they came over and complimented us on handling the hydro issue very well. I want to compliment the government for taking its time—they didn't rush into it. But the plan they brought out is up to the year 2006, and as well they promised to continue the freeze if they have to. So it's not a short-term plan but a long-term plan, and I'm pleased to speak on that as well.

Mr James J. Bradley (St Catharines): What we look at in a bill of this kind is the fact that it's an omnibus bill. That means it has so many components to it that it should probably be broken down into four or five different bills. As is the case with many omnibus bills, some of the provisions in this bill are supportable; others are not. What the government usually does is put a hostage in the bill so the opposition won't vote for it, and then they can say about the good and popular things in the bill, "The opposition voted against it." But you really can't fool people with that.

I want to say that I have been receiving communications—telephone calls, letters and e-mails—about the issue of pensions and the raiding of pension plans that might be permitted by the provisions of this bill. Those people are very petrified about this, and the reason they're concerned is that their costs have already increased substantially. They have had huge utility increases; consumers are finding that gas bills are going up. Gas at the pump is going up. They're finding that their water bills are going up. In other words, they're being met with a lot of increases that are exceedingly important to them. That is why they're concerned when they see that their pension plan could be raided under the provisions of this bill.

I want those individuals, and members of the government, to know that we in the Liberal Party in the official opposition will adamantly oppose that provision, which would allow the raiding of pension plans. I'm surprised there hasn't been more of an uprising about this matter within the government benches. We know that the government capitulated last week to very heavy pressure from the opposition and from the public on the hydro issue. We hope the government will once again see that it is wrong, in the provisions of this bill, and that it will withdraw the provision that will allow the raiding of pension plans.

Ms Marilyn Mushinski (Scarborough Centre): I'm pleased to join in this particular debate by the member of Toronto Centre-Rosedale. It's interesting that he sort of says, "We're not going to support any more tax cuts." It really shouldn't surprise any members on this side of the House. I can remember, when I was a member of municipal council in Toronto, that they introduced, I believe, 33 tax increases in their very short five-year term. One of them happened to be the commercial concentration tax. That commercial concentration tax drove

out more jobs from this city than any other kind of tax increase I can think of. That was one of the reasons that we, as a party, said in 1995 that we were going to cut taxes, because we believe that cutting taxes is going to create jobs. And guess what? Seven years later, one million jobs have been created in this province. One million jobs. It's interesting because there's an article in the clippings today that says Alberta and Ontario lead the way in job creation in Canada. So if anybody wants to know about the virtue of cutting taxes, just look at this government's track record in the last seven years. We have grown jobs in this province every month of every year for the last seven years. So you try and tell me that tax cuts don't work.

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The Acting Speaker: The member for Toronto Centre-Rosedale has up to two minutes to respond.

Mr Smitherman: Following on the comments by the member from Scarborough Centre, you'd think she doesn't know that when she votes for this piece of legislation she's voting for a tax increase. What this bill does is, it makes it legal for you guys to break your own law. So thank you very much for making my point. Talk about consistency. To the members from Timmins-James Bay, Bramalea-Gore-Malton-Springdale, St Catharines and Scarborough Centre, I thank you.

It is interesting: the government members had four minutes to respond, but not a word about the central point that I talked about for 17—pensions. Not one word from the solemn masses of government members who lumbered back to Queen's Park today. Not one word about the fact that they are going to come in here, time allocation, and vote in favour of the Conrad Black clause. They're going to vote in favour of a piece of legislation that asks of corporate raiders in Ontario to steal as much as they can from the surplus and put at risk the pension funds of hard-working Ontarians. That's Bill 198 and that's a bill the government members, with great enthusiasm, will support.

But here in the opposition benches, in addition to our pronouncement that we will vote against it, is our request—and I say it this time in the presence of the member from Etobicoke Centre, the great government House leader. Please use that in your literature. I want to say to that member while he is here, why, why, why will you not allow the people of Ontario to have an opportunity to comment on this bill in public hearings in their centres? The Minister of Finance likes to hide behind her consultation papers, but I dare you to bring this to Scarborough municipal hall. Bring it there and hear from the people that are seeing this government support the big corporate raiders over the little guy. We're Ontario Liberals and we're with the little guy.

The Acting Speaker: Well, it must be Monday.

Interjection.

The Acting Speaker: "There's an election coming" is right. We will now move on to the leadoff speech for the third party.

Mr Bisson: That was quite interesting, the last comment. First of all, I want to thank you or give you my

condolences, Speaker, that you have to be in the Chair today as our critic, the day that we have this debate coming up. I appreciate your leaving me the opportunity to utilize your lead on this, because normally it would be your opportunity. I want to make sure people know that I just wrestled it from you hand and foot because there are a number of things that I wanted to speak about on this bill.

I want to speak about three particular issues inside this bill. The first part I want to talk about is the pension legislation that the government purports to change by way of this bill; I want to speak about, obviously, Ontario Hydro and the fiasco around deregulation; and I also want to speak about auto insurance and insurance in general because it's an issue that is coming back, as many people would know.

First of all, let's be clear about what the government is trying to do here. Specifically I want to deal first with the pension issue. There has been, since about 1988, a change in the way that we deal with partial windups for pensions. The problem existed in the province of Ontario that if you had an employer that had 10,000 plan members inside a pension plan and there was a massive layoff or plant closure but not everybody was gone—in other words, you may have multiple plants and one or two plants were closed down and another couple of plants were left open—you went from being an employer that had 10,000 employees to one having 5,000. There was this whole issue of how you deal with the surplus that exists within a pension plan in the event of that partial windup.

You go from 10,000 employees to 5,000 employees. They figure out what the actuarial costs are to cover off all plan members and it's found that there is a surplus but there has been a partial windup; there's been a layoff in the plant that affects that there are less people working and contributing to the plan. An issue existed—how do you deal with that pension surplus?

What happened prior to 1988 was that there wasn't much in the way of rules, and employers were taking advantage of those situations and stealing money from pension plans. When there were those layoffs, they would do what was called a partial windup to their pension plan.

The most notorious of them all is the one we all remember—the Conrad Black affair. With Conrad Black and Dominion Stores, exactly that situation existed. There was a partial windup of the pension plan, and Conrad Black scooped out money that was paid by employees in the plan, took that surplus in the plan out and then ran with the money. I think at this point he has been knighted or something for having done it. I guess that's kind of a weird thing. You've got to wonder when you have a system that recognizes people like that as making a valuable contribution after having taken money out of the pockets of pensioners. You say to yourself, "What's wrong with their system?" But that's another debate.

What happened was that there was a huge outcry in Ontario. People across this province said there was some-

thing wrong. Pension surpluses shouldn't be used for employers to scoop money out to do whatever with. Those dollars should stay in the pension plan in order to negotiate better pension systems.

For example, in Northern Ontario, as across other parts of the province in the 1980s and the 1990s, we saw huge changes within the mining sector. We had employers like Inco, for example, that had about 15,000 employees that dropped down to below 8,000 by that period in 1988. Quite frankly, what do you do in a community of some 100,000 people when the major employer has laid off a full third of the employment figures? So the union, the United Steelworkers of America, went to the bargaining table and said, "We want to use surpluses that exist within pension plans, and we want to use those surpluses to negotiate better pensions for members, because we know there are going to be fewer jobs in the future. We want to be able to negotiate better pensions for those workers who exist and those who are out on pension so that once they do retire there will be enough money there within the pension plan to allow them to retire with some dignity," recognizing that the employer of today or the 1980s didn't want to keep a person at 65 years of age working in a mine in Sudbury or a mine in Timmins; they wanted to try to find a way to make the workplaces reflect a much younger age.

So we, the union, went to the table. I'm proud to say I am a Steelworker and I was part of that process that negotiated, not necessarily the Inco agreement, but other agreements where we went to the table and we said to the employer, "Listen, because of the windups and because of the layoffs we've had in our company, we want to utilize the surpluses that exist because of that and because they've made money as far as the investments in the market with the money from the pension plan. We want to take those surpluses and we demand that we negotiate better benefits for our members." By and large, with a lot of difficulty, in most cases dragging the employer kicking and screaming to the bargaining table, often being out on strike—in fact, the longest strike in Sudbury at Inco was about eight or 10 months, if I remember correctly, and it was over exactly this issue. It was over what you do with pension surpluses.

So in the end the Steelworkers and the members won the right to be able to negotiate themselves a much better pension. As a result of those surpluses and the negotiated settlement that the United Steelworkers had with Inco in Sudbury, the pension plans in Sudbury are pretty rich; they're pretty good. People are able to retire with a decent income at 55, 56 and 57 years old, depending on their years of service. That's good for the community. It means that not only does that person retire with dignity, with enough money in his or her pocket, but those people live and remain in the Sudbury area and spend those dollars from their pension plan in the community. So it has been a good thing for the employees. It has been a great thing for the community, because it has meant that people in retirement still have dollars to spend, and as a

result Sudbury does fairly well. It's not just because of the pensions, obviously, but it's a large part of it.

In 1988, when Conrad Black came in and scooped the pension surpluses out, there was a huge cry across the province of Ontario. The NDP at the time—and I remember it was Floyd Laughren and Elie Martel who came to the Legislature day in and day out and basically demanded that the then Liberal government make some changes to the pension legislation so that type of raiding of pension surpluses was not allowed. To the credit of the Peterson government, some changes were made and that practice was abolished. I give credit to the Peterson government of the day.

When we were elected in 1990, the Bob Rae government at the time made some regulatory changes which much changed the way we do things. In effect, what our regulatory changes said was that if there are any pension surpluses that exist within a pension plan, the only way an employer, by way of partial windup or full windup, is able to draw money out of the surplus is with the consent of the plan members. What that did was effectively to force the employer to sit down and negotiate how to deal with that extra money.

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I talked about Sudbury. The problem we had in Sudbury was that when we tried to safeguard the surplus within the Inco pension, the employer didn't want to do it, and there was no need for them to do it because no law required them to deal with those surpluses in a progressive way for the employees. In fact, they had the right to take the money out. So the workers there went out on strike for 10 months in order to achieve the ability to negotiate that that money not be taken out and be used to negotiate better pensions.

What we did in 1991, under the Bob Rae government, was to say, "Listen, we're going to change the rules. We're going to say that if there are any surpluses existing within a pension, if there are any changes in how to deal with those surpluses as far as withdrawals, you can only do so with the consent of the plan members." Since 1991, that has worked very well. What that has done is that employers who want to get their hands on the surpluses say, "Whoa, we can't get the money, so we've got to get to the table." So they sit down with the union or the association, whatever it might be, and try to negotiate how to deal with the surplus. I would say the more progressive unions have said, "Hey, we need to use this money to build better pensions," and by and large that's what happened in most cases. In other cases, where there has been a pension that is quite rich, the union has decided and agreed with the plan members, their membership, that a withdrawal from the pension should be allowed. Normally, that has been done by way of a 50-50 split. That pretty well has been the regime since about 1991, that basically no employer in this province would try to scoop the surpluses out of a pension plan because they knew by way of law and regulation that they didn't have the right to do so. Up to now things have been fairly good.

We've been hearing for about a year now some rumours that the government was looking at abolishing the NDP regulations that were put in place in 1991. It was first rumoured when Mr Flaherty was in cabinet. I remember at the time that I sat down with many people within the pension industry because this is an interest I've always had. Then we did some lobbying with Minister Flaherty. We had a letter-writing campaign going on and other things, trying to encourage the government not to go down that route. The argument we made was, "Do you remember what it was like before we had rules such as you're proposing? We had the Conrad Black situations." So we said, "Leave the regulations in place." At least this way they're negotiated settlements. If employees decide at the end that they want to cash out 50% of the surplus by way of negotiations, that's their business, but let's not let the heavy hand of government go in and tell people how they should do it and, more importantly, don't give the employer the right to do what they want.

That's where we thought things were at. I know, in speaking to people at the Ontario Federation of Labour, in speaking to the law firm of Koskie Minsky and others that I've dealt with in this particular area—and I'd like to thank Ari Kaplan, who works at Koskie Minsky, who spent a lot of time with me in order to deal with a lot of the pension issues. Many of our conversations, in meetings we've had and information he's given me, are going to be part of what I'm going to talk about today and also part of what we're going to talk about in the next election, when it comes to the need for pension reform.

But what the government now has done is surprise everybody to all get-out. Nobody believed that the government was going to move in this direction. We figured that we had done our job well in lobbying the government to get off this point. We were surprised to learn, when the bill was introduced a couple of weeks ago and I was leafing through it, along with our research people, that there were some changes to the part that dealt with the Pension Benefits Act. We started looking through it, and I've asked our research people to give it a really good look. We've actually gone out and talked to law firms that deal with this on a regular basis—not only Koskie Minsky but others—and we've dealt with people at the Ontario Federation of Labour as well as other labour unions out there that know far more about pension legislation than most, and we found that this government plans to turn things on their heads when it comes to how we deal with the issue of pensions in Ontario.

What this government is trying to do is quite sinister. They're saying, "Here we are." They're going to allow, by way of this legislation, the employer unilaterally to move on their own to remove pension surpluses from pension funds. We're saying that should not be allowed. So today our first demand to the government is that they withdraw this entire section from the bill. This is totally unacceptable. This is coming out of left field. Nobody saw it coming, and it is certainly not where most progressive people would want to go when it comes to pension legislation.

Let me walk through the bill and explain exactly what it does. The first section of the bill where it deals with the Pension Benefits Act says, "Amendments to the Pension Benefits Act relate to the payment of surplus out of pension plans, the authority of employers to take contribution holidays and the authority of the superintendent to permit refunds to be made to employers in specified circumstances."

When you read the relevant sections, they say that the employer, if he or she finds themselves with a pension surplus, will no longer have to go and negotiate with the employees, as was required under the rules set in place by Bob Rae in 1991. They will be able to just go on their own and say, "We're making an application to the superintendent of pension funds to withdraw," based on future regulations and rules the government is going to hand down after this bill is passed. Do you know what? At the end of the day, there's nothing the employees will be able to do about it, because we also lose the right to bring the employer to court and to appeal a decision to the courts in the case where there has been a decision to raid money from the pension funds.

I listened this afternoon and the minister said, "Oh, there's nothing like that in the legislation. We don't know what the hell you're talking about." I say, read your own legislation. This is out of your bill. I'm not making it up. It's under Bill 198. What it specifically says in Bill 198 is that it gives authority to the employers "to take contribution holidays and the authority of the superintendent"—that's the person who runs the pension plans for Ontario—"to permit refunds to be made to employers in specified circumstances."

Mr Peter Kormos (Niagara Centre): Bingo.

Mr Bisson: Exactly, "Bingo."

So now we're going to have this situation: we have all kinds of employers across the province where, because of what's happening with the restructuring of our economy, there are going to be basically surpluses that will be created in pension plans as a result of layoffs.

Mr Kormos: What about windups?

Mr Bisson: That's where I'm going.

In the case of surpluses by partial windup, there are going to be cases where employers are going to go through the process of layoffs and of reorganizing their plants. They're going to have a situation where they'll end up with possibly a surplus because of that, and also because hopefully their investments will do better than they did in the last eight months—but that's another issue. The employer's going to sit there and say, "Oh my, look at this. There's a \$2.5-million surplus in the pension plan," or, "There's a \$10-million surplus," or whatever the number might be. Then the employer's going to say, "Jeez, I'm going to scoop that money out of the plan to assist myself with the financial difficulties I'm having now." I'm saying we should not allow that.

Even if the employer paid that money out of their own pocket, my argument is that's money that's owed to the employees. If I go to work for an employer and I get paid \$10 an hour or \$20 an hour—it's irrelevant—and I go out

and negotiate a pension plan with my employer where the employer says, "I pay all of your pension contributions," or 50%—I don't care; that's money that belongs to the employees; it doesn't belong to the employer. So even in the case where the employer pays the entire pension plan, my argument is that's not the employer's money. Those are dollars that should have gone to the employee by way of wages, that instead were negotiated to pensions. It's workers' money, pure and simple.

For the government to agree that you should all of a sudden allow an employer to scoop out pension surpluses by the argument, "I made the contribution because I paid 50% of the pension contribution," or, "I, the employer, paid 100%," is a bogus argument. That's the employees' money. The employer should not be allowed to take that money out of the pension plan. Those dollars need to stay there to build better pensions for workers who are currently in the plan and workers who are going to be in the plan as time goes on. For the government to say they're going to allow an employer unilaterally to go out and scoop pension surpluses out of the plan I would say is beyond the pale even for this government, because now what you're doing is, by way of legislation, allowing the employers to steal—and I want to use the word "steal"—the money out of workers' pockets. That's what this government is allowing to happen.

I say to the government, this is not something we're going to support. It's something that quite frankly we want you to withdraw from the bill.

There's another amendment to section 55, and this comes right out of the bill, that says, "An amendment to section 55 of the act permits employers to suspend or reduce their contributions to a pension plan in prescribed circumstances."

In simple English, that means they're going to be able to take pension holidays. What they're doing—and there's a case that happened in Timmins, and I want to talk about what happened at the Royal Oak mine—what they're basically saying by way of this legislation is that an employer sees there's a surplus in the plan, so you have an employer with, let's say, 250 members in the plan and they've made contributions, as they should have, every month into the pension plan. Then all of a sudden here you are, you're in a situation where there's a surplus in the plan. The employer is going to turn around and say, "Do you know what? I don't need to make pension contributions for the next six months, the next two years or whatever it might be, because of the surplus in the plan," and is going to stop making payments to the pension plan. It's what we call a pension holiday.

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What we've got is the government, by way of section 55 in the legislation, saying that where an employer can determine there is a current surplus in a pension plan they will be able to apply unilaterally and go in and say, "We're taking a pension holiday." I'm saying that's wrong. Why? Because we know far too well there are many pension plans across the province of Ontario that are inadequate. Where there's a case where there's a

surplus, the argument has to be made that the employer should continue making the payment and then we should be able to get to the bargaining table by building up the money in the pension plan to build a better pension for workers who are currently within the plan.

What this government is giving the employers, quite frankly, is *carte blanche* to say that any time there's a pension surplus, all you have to do is apply to the superintendent of pensions and basically take a pension holiday. Well, under that scenario, how are you ever going to build better pensions? You never will be able to. The only way you'd be able to build a better pension is if a union is successful in negotiating with their employer to up the contributions to the pension plan. That's difficult enough, but if you can't deal with surpluses, far too often you're not going to be able to negotiate better benefits for workers when it comes to retirement benefits.

So this government is basically allowing employers to renege on their moral obligation and their legal obligation to provide pensions to the workers who work for them for a period of years. I'm saying that is wrong. We should not be doing that.

Let me give you an example of just how destructive this could be. I represent the riding of Timmins-James Bay, the city of Timmins being one of the communities inside the riding. There was a mine called Royal Oak. It was originally a mine that was owned and operated by Noranda through the Pamour Group. This place operated probably for the better part of about 70 years. What happened is that Peggy Witte basically bought controlling interest in the Pamour Group, called it Royal Oak and basically went about operating the mines that were owned by Pamour.

The long and short of the story is that she basically high-graded the mines. For a period of five years she basically said, "I'm not going to spend any money when it comes to doing really major, advanced exploration. I'm going to rob the best I can find in the mines in order to maximize my profits so I can make as much money as I can." When the day came that she didn't have very many good workings that paid well, she started to get into financial problems.

One of the things she did, without the knowledge of anybody, is stop making pension contributions. When she stopped making those pension contributions, she put the pension plan in jeopardy. Now we've had to go to court to deal with a remedy on this particular issue. Thank God there is some remedy under current legislation. We were able to go before the courts to deal with that issue by way of the Insurance Commission of Ontario, to make sure we covered off the shortfall that existed within the pension plan because of her taking a pension holiday by way of what she did in the insolvency of that company.

What I would argue is that section 55 of the act should be renamed the Peggy Witte-Royal Oak section, because what you're going to be doing is allowing employers to make applications to stop making payments into the pension plan, and as a result of that, I believe you're going to have employers who will put their plans at risk. It's as simple as that.

The other section of the act which is quite interesting is section 78—there are new sections 67.1 and 67.2 and subsections 78(1) and (4). It talks about how you deal with terminated employees, and I'm just going to read it: "They also authorize the superintendent to consent to the payment of certain amounts out of a pension fund to an employer. If a pension plan provides defined contribution benefits, the superintendent may consent to a payment to the employer of the employer's contributions relating to a person whose employment was terminated before he or she became entitled to a pension" under the deferred pension plan.

What it basically means to say is that if I go to work somewhere and am not vested, and I am there under two years and get terminated for whatever reason, the employer doesn't have to give me my money back. I'm saying that's bizarre. Last time I checked, if I work for an employer for a period of a year and a half and I'm told I'll be paid 10 bucks an hour, the employer pays me 10 bucks an hour. When the employer fires me, I get fired, but I still receive the \$10 an hour for the whole time I worked there. Well, the pension benefit is the same thing. That's money the employee got in lieu of wages.

Now we're saying in the legislation that if anybody who is not vested gets terminated by an employer, the employer will have the right to scoop not only his share of the pension contributions, but also the employee's share of the contributions. Boy, there's something wrong here. Giving employers the ability to take that money out is very wrong.

There's another section in here that's really something, and that's how they're going to deal with what they call "missing persons" in section 74.1 under the legislation. There are situations where an employee may have worked somewhere for a number of years, let's say 20 years, and moves on to another province, goes somewhere and nobody knows where that person went, but the person was entitled to a pension benefit. Normally what happens is that sometimes it takes 10, 15, 20 years for somebody to come along and say, "My father worked here for 20 years and he died in a car accident out in Alberta. As I understand it, he was entitled to a pension benefit." Because there was a will that willed that money to that individual, you're able to get the money back to the person's estate.

What the government is saying is that they're going to put a time limitation of 10 years on what they call any missing person's money. In other words, if you work somewhere from age 20 to, let's say, 45 years old, that's 25 years of contributions. You've still got 20 years of work before you're 65, so that brings you to 55. They're saying that after 10 years the employer will be able to—not the employer. This is even better. The government of Ontario by way of the crown will be able to scoop that money out of the pension plans.

I couldn't believe that one when I saw it, but let me read it. It basically says, "The new section 74.1 of the act concerns missing persons who are entitled to benefits and payments when a pension plan is being fully wound up....

The Lieutenant Governor in Council may order the superintendent to pay small amounts held in the fund for over 10 years to the Minister of Finance, and such amounts forfeit to the crown." Wow, that's something else.

What we're saying here is that I worked at a place from age 20 to 45 and I've got 25 years of contributions. I move to Alberta. I'm working in Alberta and I'm now 56 years old. I've been gone from my employer for 11 years. I'm counting on this money, by the way, to retire. I'm counting on this 25 years as part of my retirement, but it's 11 years later in Alberta and I don't happen to read the Timmins Daily Press when I'm in Alberta. My employer has been shut down and they're winding down the plan. If I don't make claim to that money within the first 10 years of the plan being wound up, I'm basically out of luck. The government's going to take my money.

I can't believe you guys are doing this. This is really scary stuff.

I understand there was a problem in this area because monies were left in pensions and people did not know how to deal with this because, for all kinds of reasons, people move away. They've got 20 or 25 years of contributions and they go somewhere else. Twenty years later nobody hears from them again. What happened? Did they die? Did they move to another country? Nobody knows what happened to them. The money ends up sitting in the pension plan and it stays there sometimes for quite a long period of time. But at one point the money's still there for the family or the individual to come back, or anybody who was named in the will if the person died, to get those pension benefits back because often a pension benefit is able to be willed to somebody else in the case of a spouse.

What the government is saying in this case is that if your pension plan is wound up, the government's going to make changes that will allow them after 10 years to take out the money you and your employer contributed to your pension plan if you haven't made contact. Like I say, it's very feasible that somebody who worked for 25 years in a plant and has gone away and worked in another province for 20 years wouldn't even know the pension plan was being wound up, and wouldn't even make claim to it and wouldn't find out until they retired at age 65, at which point they'd find out that Janet Ecker, or whoever the Minister of Finance was at the time, took their hard-earned money and used it for general revenues for the province of Ontario. I'll say this is really regressive legislation.

Let me talk about what I think we should be doing and what we, as New Democrats, suggest should be done when it comes to pension legislation. First of all, what you guys are proposing in this legislation comes out of nowhere. Nobody's been consulted. The minister got up today and said, "Oh, we consulted widely." No, you didn't. All of the people I've spoken to who are in the pension field have said there were rumours a couple of years ago or a year ago that you were going to make some changes as I described, but you guys backed off. At

no time in your consultations over this bill did you sit down with somebody in the pension industry and say, "We want to have a situation where this kind of thing would happen." At no time did anybody ask for that from the Progressive Conservative side.

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We know from a letter that we have here—and I just want to read a letter that was written to Peter Kormos from Don Menzies. This is from Baker Street in Peterborough and it reads:

"Dear Peter,

"I am writing to inform you that I represent many former employees of the Johnson & Johnson medical products plant that closed in Peterborough in 1998 and moved to Mexico, first partial winding down and further fully winding down the pension plan for hourly employees.

"I urge you not to support this legislation, as it would allow Johnson & Johnson to run away with the surplus of the pension plan that the workers' contributions helped build in the same fashion as Johnson & Johnson ran away with their jobs."

He's basically sending his best regards, and that's signed Don Menzies, who is a Canadian Auto Workers union person dealing with pension issues.

The last point on this is that where the government is going here is far beyond the pale.

I forgot to mention one thing about the changes that the government is doing on pensions—I just don't want to forget it—and that is, what the government is doing is making this legislation retroactive to 1988. So that means to say that anybody as far as a group who is trying to deal with the issue of pension surpluses who have not had their matters resolved as of yet will be caught up in this whole pension regime change. We know there's about 200-and-some-odd plans out there that are currently waiting for what was called the Monsanto case to be heard at the Court of Appeal.

The Monsanto case was an issue where Monsanto had taken his employer to court on the basis of what the employer was doing with his surplus when it came to a partial windup, because even under our regulation there was some concern in how to deal with the actual partial windup. While the Court of Appeal that was hearing the Monsanto case was dealing with that issue there was a whole bunch of people that sat back and waited to see what happens with the Monsanto case before moving forward. What this government is doing is saying, "We're making this legislation retroactive and we're going to allow the employers to use anything back to 1988." So it means to say that all of those people who are waiting for the Monsanto case to come in are going to get caught up in this.

I want to talk about what should be done when it comes to pensions. I would invite fully a debate by this government by way of committee hearings when it came to pension rules. I think we all can agree on one thing: the workplace of today is much changed from what it was 20 years ago. Twenty years ago it was not un-

common for somebody in a community somewhere in Ontario to say, "When I get out of high school, I'm going to go work for Kidd Creek Mines or Dome Mines or Mallett waferboard or wherever it might be and I'm going to work there 30 years, 35 years and that's where I'm going to retire." That was not uncommon 20 years ago.

Today, most people out there I think would agree: not very many people get to work in one place for 25 and 35 years. I would argue that probably about 80% of workers in the province of Ontario don't work for any one employer more than 10 years. I would argue that probably 60% of employees in Ontario don't work for one employer more than five years.

The difficulty with that is, nobody is able to really build up a good pension plan in the new economy of today. You go and work for one contract employer for two years; you move on to a full-time job somewhere else for five; you move on somewhere else for another three, and at the end of your work cycle you have, like me, a person who has worked for many different employers, some who had a pension plan and some who didn't, and you end up with no pension protection for the time that you retire. In the close to 30 years that I've been working, I'd probably have contributions that equal about eight years of work. That's the only pension time that I've got to show, and that's the time that I worked at what was then Pamour Mines. Even here in the Legislature, and members would know, the government cancelled the MPPs' pension plan. I don't even have a pension to show for the time that I was here. So I would argue—

Mr Ted Chudleigh (Halton): Did we cancel that?

Mr Bisson: If you think that's a good thing, you're dumber than I thought.

Mr Chudleigh: Why did we do that?

Mr Bisson: I think it's a pretty dumb thing, but that's another story.

Anyway, I would argue that most Ontarians today are like me and many other people across this province, and that is, not many of us are able to work for one employer for a sufficient amount of time to build up a good pension plan. That's why we're proposing, by way of our NDP caucus, that we move to a system of automatic vesting, that we should introduce changes to the Pension Benefits Act that basically says "Any worker who goes anywhere to work in the province of Ontario is vested on day one." That way if the employee works six months in one place, works two years somewhere else, works for whatever amount of time, at the end of 35 or 40 years of service they're able to accumulate all of those pension credits into one benefit so they're able to retire with some dignity.

That would deal with a lot of people. As you well know, Mr Speaker, many people in your community, as in mine, are contract employees; they don't work anywhere for more than two years. They get a contract for six months or a contract for one year, then the employer lays them off and brings them back under another

contract. At the end of the day they might have been with the same employer or different employers for a period of 10 years but have never built up two years' consecutive service to be vested in the employer's pension plan.

That's why we're saying that at bare minimum the first thing we need to do is to vest employees as of day one: you walk in to an employer, and if a pension plan exists you become automatically vested, and you bring those benefits with you. We include temporary and part-time employees in that definition, so employers don't do what they're doing now—and the province of Ontario does this as well—where they say, "Oh, come to work for me. I've got a six-month contract for you." You go there for six months, they extend you for two or three months, you may get eight months, and then they say, "OK, now we don't need you for the next three or four days, so we're not renewing your contract." Four or five weeks later, they call you back and say, "Come back. I've got another six-month contract for you." You end up working for the same place over and over again on successive contracts but you can never build any pension time.

We're saying that the first thing we'd do as an elected NDP government is to reform the legislation to say you're automatically vested and have it include all temporary and part-time employees, so the employer can't play that game. It would say, "You worked here. I don't care how you worked here. As long as you got paid a wage or a benefit or whatever contractual arrangement, you were automatically vested within your pension plan." At least in that way it would recognize the workplace of today. Workers would be able to say, "I've worked a number of places over my work cycle, and at the end of the day at least I've built up some pension time."

The other thing we propose to do is to create something—it's very technical, and it's a longer argument than I could put in this debate today—called multiple-employer plans. The problem we have in the pension industry today is that for a large employer, it tends to be fairly effective for them to get themselves insured by some company to buy a pension benefit, but for smaller employers with five, 10, 15 or 25 people, it's difficult for them to go out and find somebody who will take on their company as a customer. It's because most employers don't think of it, and when they do think of it it's fairly complicated; there are no easy vehicles by which the employer can get into providing a good pension for the employees.

So we would create multiple-employer plans which would look at various types of sectors. Possibly for the industrial sector there'd be a multiple-employer plan where if you work for a welding contractor, an electrical contractor or anybody in the industrial construction field, there's a multiple-employer plan for you and there are various benefits the employer can buy. If you work in the hotel-restaurant-tourism industry, there may be another multiple-employer plan. There may be a different multiple-employer plan for people in the contract industry.

The point is that employers would have an ability to say, "If the employees, by way of negotiation, or I as the employer wish to buy a pension plan for my employees, there's a multiple-employer plan." They wouldn't have to go out and reinvent the wheel. All they'd do is pay a benefit and their people would become insured in terms of having a pension scheme. That would basically ease the burden for the employer in terms of pensions. They wouldn't have to get into the pension business; it would allow somebody else to underwrite the pensions for their employees and do that in a way that's not too cost-prohibitive for the employer. The other thing it does is it allows you to build portability much easier, because through the multiple-employer plan you would be able to do that.

The big decision we have to make, and I think it's one that we can only make after forming government when we have an opportunity to go out to committee to talk about this in more detail, is, should we make pensions mandatory? That's really the big one. A lot of people won't recognize that, but back in the early 1960s when we first went into the debate around pensions, there was an issue that we should make pensions mandatory. In fact, I think that's what it said in the original legislation. But that section of the act was never proclaimed and it always stayed as a voluntary system.

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What we have to ask ourselves in the province of Ontario is, should we, by way of legislation, make it mandatory that all employees in the province of Ontario be covered by a pension plan? I would argue yes. I think that is not a bad thing; that would be a good thing. But recognizing that that's a debate where both the employer and employee community would have to come to the table and have some discussions, I'm saying we need to have a little more consultation on the mandatory portion to make sure that people understand what that means. It does mean for the employer, for example, that they would have to make those contributions. We all know that employers or employees don't like to pay for something if they're made to, so I think we need to get into a discussion about how you make that happen. For employees, if you do make it mandatory, it means that at negotiations employers are going to argue, "We're making a pension contribution. We can't afford to give you more money." So we need to get into a bit of discussion with the public about making them mandatory.

But at the very least, we argue two things. We argue that you need to vest employees on day one, with total portability of pensions. Number two is that we have to make sure we create multiple-employer plans so we allow employers to get into insuring their employees for pensions in the province of Ontario. The third point we would have to deal with is, do we make that mandatory? That's a decision we haven't made yet.

The other thing we believe is that we should be indexing pension plans. There was a provision put in place in 1988 when the Liberal government made changes to the pension legislation that called for indexing

of pension plans across the province. Unfortunately, that never got enacted either. The government never proclaimed that particular section of the act, and we're left without indexing unless the union has negotiated indexing at the bargaining table. One of the things we believe, the other thing we'd want to do is index the pensions altogether.

The other issue is the whole issue of governance of pension plans. I want to recognize that there are some models out there and some pension plans that have a good structure of governance, where they give an equal voice to the employee plan members on the pension plan along with the employers. But that's only where it's been negotiated. I would argue that one of the things we would want to see in our legislation is that there would be actual requirements in the legislation that say you have to create a situation where employees have an equal voice on the pension board to deal with issues about their own pension. You don't want to end up in the situation I did; I was in a pension plan entirely paid by the employer, so the employer said, "You don't have any seat on our pension board because you've made no contributions." I'd go to the table as a union negotiator and say, "Hell, we're prepared to make contributions. At least that way we can build ourselves a better pension." The employer refused, basically, to negotiate that item off the table when it came to negotiations. So we're saying that one of the things you need to do is make sure, in terms of governance of the pension plan, employees are represented on the structure that governs individual pension plans.

As well, there is the whole issue of basically creating a new pension regime in Ontario. As New Democrats, we believe it's important that people in this province should be able to know that when they work for 35 or 40 years, they have an opportunity to build into a pension plan and that that pension goes with them wherever they go; that their pension plan is totally portable so that at the end of the day, when they're finished working, they are able to retire with some dignity.

I say to the members across the way that we, the New Democratic Party, will oppose the sections in the bill that deal with the Pension Benefits Act. We are calling on the government to withdraw that from the legislation altogether. Rather than going in that direction, we encourage you to get into a dialogue with us and the public of Ontario to make a huge reform in the pension legislation to say that all pensions should be automatically vested; that you should have total portability of pensions to recognize the workplace of today so that when people travel through their work cycle, with different employers throughout their work cycle, they have total portability; and that we index those benefits. That would make sure that people have a pension that at the end of the day makes some sense and they are able to retire with dignity.

As well, I want to take the opportunity on this particular debate to talk shortly about the issue of insurance. I know my colleague Peter Kormos raised this issue in debate, but I just want to say that the whole issue of

insurance is rearing its head yet again. I think all of us, in our constituency offices, have been getting phone calls from our constituents that their auto insurance and their insurance for their households are going through the roof. We are seeing double-digit increases over the last couple of years, and people are really starting to feel, "Never mind hydro—that was bad enough—but look what's happening to my auto insurance," or, "Look what's happening to insurance generally in the province of Ontario."

I have had a number of instances this summer where people, especially people in the trucking industry, saw their rates increase by 200% over what they were the year before. In many cases, the small, independent operators have not been able to stay in business. I've got some cases where people were paying about \$180,000 a year for insurance for a fleet of trucks. They found themselves with an increase up to \$400,000 in total for their insurance for the new year. As a result of that, they have been unable to keep their doors open. A \$200,000 increase in insurance has basically put them out of business.

There's a whole bunch of people in the logging industry—the Minister of Natural Resources will know this—who have been decimated by what's happened with insurance. The insurance companies, quite simply, do not want to underwrite people in the lumber industry. They're saying, "We don't want to insure haulers in the bush, let alone insure people on the highway." What they've done is got out of that business altogether, and what's left is that independent haulers of logs have to go to the facility market in order to get insurance for their trucks, and their rates are going through the roof.

I just want to say that what's in this act doesn't deal with that. There was an opportunity in this act, and maybe there still is if the government is prepared to work with us here, to try to find some mechanism to ensure that those people are able to buy insurance in a way that is reasonable when it comes to rates.

I met with a number of operators over the spring, summer and fall who are really—I'm going to use the word—pissed off about what's going on. They are at the point where they're saying they cannot afford to stay in business with the insurance increases they're getting.

Interjection.

Mr Bisson: I'm just telling it the way it was told to me. There is not a sugar-coated way of putting this. These people are really hopping mad and they're saying the government needs to do something about insurance.

I have also had the opportunity to meet with mill owners and mill operators in the sawmill industry over the last week. During constituency week I met with the owner-operators at the Opasatika mill in regards to Excel and talked to others, and they're telling me the same thing is happening in their plants. The insurance rates for sawmills went up by 30% last year. Figure out what that means to an operator of a sawmill somewhere in northern Ontario—and I'm sure it's not just sawmills; I am sure there are other industries that are faced with the same thing. Insurance costs for those people are going up by

30% and 40%, and they're expected to go up even more next year. They're thinking to themselves, "You know, at one point we are going to become self-insured, and we are going to hope that we don't get sued, because if we do, it's going to close our doors."

The government has yet to find a way to deal with the whole issue of how you provide regulation and legislation to deal with insurance. Maybe the time has come to bring back public auto insurance, something we should have done when we were in government, and I bemoan the fact that we didn't do it. Maybe we need to get back to public auto insurance.

Interjection.

Mr Bisson: Government members can laugh all they want, but if you take a look and compare auto insurance rates across the country, it's quite interesting. Guess how much they've increased auto insurance rates in Manitoba in the last four years. In the last four years, the total increase in auto insurance rates for Manitobans insured under public auto insurance has been zero. They have not increased their rates once—the same thing in Saskatchewan.

British Columbia for the first time has had an increase under the Liberal government of today. But prior to that I think they hadn't had an increase in their insurance rates for six or seven years, because the regime is a much different one.

Now the insurance companies here in Ontario are saying, "We have to raise it because we are not making money." If you're not making the money, get out of the business. Maybe what we need to do is take a look at the government having a role in providing auto insurance to people in Ontario.

I know some people would say, "Why didn't you do that when you were in government between 1990 and 1995?" Do you know what? You're right. Maybe we should have. Quite frankly, Bob Rae backed down on auto insurance. I was very uncomfortable with the decision, as I think were most people in our caucus. Nonetheless, he was the Premier, and as we all understand, Premiers have a lot of authority. Maybe it's something we should've done. Certainly, as I look at auto insurance rates going up today, I've got to say that maybe we should have done it, and maybe the time has come to take a look at that again.

1640

I also want to deal with the issue of hydro, because the government, by way of this bill, is making a number of changes in the legislation that deal with the whole issue of hydro. I just want to say it's really interesting how the government has moved in this whole area over the last while. They came to this Legislature last spring and said to us, "Do you know what? Just trust us. We're going to open up the market to competition. We're going to deregulate so competition can happen in the province of Ontario. Trust us, hydro rates are going to go down." We stood here, Howard Hampton and the NDP—because we were the only ones saying this was going to be a disaster. The government members got up and the Minister of

Energy at the time said, "Hey, you guys don't know what you're talking about. You're fearmongering. It's not going to happen. Hydro rates won't go up. Only Howard Hampton and the NDP are saying that." Nobody's going to believe you, because you were saying six months ago that rates were going to go down, and here we are some six months later and hydro rates have gone through the roof. It's not nice saying, "I told you so," but I'll tell you, we told you so. This whole thing has been a fiasco.

The government decided they were going to do a couple of things: first of all, they were going to open up the market to competition with the promise that competition was going to lead to lower prices. It has been nothing short of a disaster. In fact, prices have not gone down; prices have gone up. They then split Ontario Hydro into three parts. They now are moving to privatize two parts of the hydro grid. First of all, they want to privatize 49% of the hydro grid itself through Hydro One, and then they want to sell off the power plants that exist under OPG. I'm just saying that's a recipe for disaster.

What we've seen happen over the past while is hydro prices going through the roof. Basically, the government had to try to figure out what to do, because if they were going to survive the next election they couldn't afford to put themselves in a position of having hydro bills keep on increasing the way they were, because people would not have waited for an election. There might have been a mutiny in the province of Ontario vis-à-vis what was happening with hydro rates.

So the government thought it got smart. It announced last week on Remembrance Day—and I thought, boy, that was rather interesting: the government picks Remembrance Day to make a keynote announcement around hydro. You'd think they'd have the decency not to do that on Remembrance Day and, like the rest of us, respect and reflect on the contribution made by our war veterans. Instead, the government made the announcement on Remembrance Day. Nonetheless, the government announced that they were going to freeze the rates. Well, the government, quite frankly, has done the worst thing that it could have done in the way it has dealt with it. What they should have said was, "Yes, we'll freeze the rates, but we're going to basically re-regulate the industry. We're going to stop the privatization, stop the deregulation and bring the rates back to what they were in May of last year." Instead, the government says they're going to protect consumers from rate increases by providing a rebate and freezing the rates and keeping the market in the open system. I'm just saying—and it's not just me saying it; a lot of people are saying it—that's really a recipe for disaster, because now what you have is the taxpayers of Ontario on the hook to pay the difference between what the rate was in May 2002 and what it's going to be in May 2003.

Let's just think: if the rates happen to go up to even 6.5 cents or 7 cents per kilowatt hour, which is not unreasonable because quite frankly they've gone up way beyond that over the summer, the government could be

stuck with being on the hook for over \$2 billion. And what have you accomplished? All you're doing is using public dollars to subsidize the market.

This is only an attempt, in my view and in the view of our leader, Howard Hampton, for you to basically buy your way through the next election. You're trying to do what Ralph Klein did back in 2000-01, where he deregulated the market and started the privatization initiative, and rates started going through the roof. They went from 4 cents per kilowatt hour to 25 cents per kilowatt hour. People were hopping mad. The government was going into an election cycle. They said, "We have a response. We're going to freeze rates and provide a rebate." They did exactly what Ernie Eves has tried to do in this instance. Eight months after the election in Alberta, Ralph Klein basically made the rate cap disappear and has now left Albertans to the largesse of the market. As a result, people are now paying 80% more for hydro than they paid when the rates were deregulated and opened to the marketplace.

I'm just saying to people and to the members of the assembly that I don't buy for one second that if the government was to get another majority or the Liberals were to get a majority—they would take that rate freeze off in a minute and would basically allow the private sector to make as much money as they have.

It was interesting to note today the position that Dalton McGuinty took on the whole issue of deregulation. I was listening to the scrum outside and I'll tell you, it was more confusing by the minute to listen to what Mr McGuinty was saying. He comes into the House, purports to be the champion of the working people of Ontario and says, "We're opposed to all of this." Then he's out in the scrum saying that no, he thinks that deregulation is good, that the market opening is a fine thing and that he favours the rate freeze as a mechanism to allow privatization to happen. I just think it's kind of interesting, the position Mr McGuinty has taken on about three sides of the same issue at the same time.

C'est intéressant, l'aspect de ce que le gouvernement décide qu'eux autres vont faire avec l'hydro ici en Ontario. On sait que le gouvernement avait promis de trouver une manière de couper les tarifs à travers la province quand ça vient à ce qu'on paie comme consommateurs pour l'électricité. Ils nous ont dit que la solution était de déréglementer l'électricité. En effet, c'est ça qu'ils ont fait.

Ce qu'on voit aujourd'hui est que l'augmentation du coût de l'électricité était un désastre complet, que les tarifs que le monde a payé pour l'électricité depuis mai ce printemps ont augmenté à un point qui n'est pas supportable pour les contribuables, et qu'eux autres se trouvent dans une situation où ils disent, « Écoute, tout ce qu'on sait est que nos tarifs ont augmenté et on est fâché contre le gouvernement conservateur. » La réplique du gouvernement est de dire, « Ah, n'inquiétez-vous pas. On va tout arranger. Ce qu'on va faire est de s'organiser pour geler les tarifs à un point, puis on va vous donner un rabais. »

Moi, je dis, « Écoute, à la fin de la journée, ça ne va pas marcher. Tout ce que vous faites est que vous êtes en train d'organiser une situation où vous allez subventionner le secteur privé quand ça vient à ce qu'eux autres font dans le secteur privé avec le prix de l'hydro. » Ce qu'on a présentement est le gouvernement qui dit que n'importe ce qui arrive, après 4,3 cents le kilowattheure, ils vont garantir ça en gelant les tarifs, et que le gouvernement va payer la différence entre les 4,3 cents jusqu'à l'augmentation totale, ce que va coûter l'hydro. Je dis ça parce que, supposément, on est présentement à environ 6 cents le kilowattheure ou un peu plus. Si le prix de l'hydro continue à augmenter, tel qu'il a fait, et arrive à 7 cents ou 8 cents le kilowattheure quelque temps cet hiver, le gouvernement va être dans une situation où au-dessus de deux milliards de dollars vont être en danger d'être accumulés au déficit d'Hydro Ontario, et que le gouvernement provincial eux autres vont dire, « On va prendre l'argent du revenu général de la province de l'Ontario pour payer le tarif qui a été gelé. » Je dis simplement que le gouvernement a mis en place une situation où il essaie d'acheter les contribuables et les consommateurs de l'hydro en Ontario envers les prochaines élections.

We often find ourselves here in the Legislature dealing with matters that come before the House by way of the government. Far too often we find ourselves in a situation where the government is bringing in bills that are very large. In this case, Bill 198 amends sections in a whole bunch of other acts by way of hiding under the stealth of being a budget bill.

The government has sections in this bill that deal with everything from the Commodity Futures Act, the Business Corporations Act—makes changes to the Fuel Tax Act, makes changes to pensions and education acts and a whole bunch of other acts. The government is basically bringing many changes through this legislation. I just want to say that we've gotten into a practice in this Legislature where you're not giving the process of legislation ample time to deal with how you build better legislation. A good example of that is what has happened under the changes you're making to the pension act. The government said they're bringing in a bill to deal with budget matters. Instead, they've slid into the bill changes to the pension act and, as a result of that, the government is making changes to the pension act that are not, in my view, budget matters but more a gift to employers to be able to rob pension surpluses from pensions that exist.

I see the government members shake their heads. I know they're shaking their heads because I can hear them rattling from over here. I ask members to read their own legislation. The legislation is very clear: it says that the employer is going to get some ability to withdraw funds from Ontario pension surpluses under certain circumstances, and no circumstances specifically will deal with what to do with partial and full windups of pension plans. I make the argument, as I did at the very beginning, that a pension is money in lieu of wages given to employees for the work they do on behalf of the employer. When we go

to the bargaining table to negotiate on behalf of members we represent in the union movement, often we say, "Rather than giving an extra 5 cents or 10 cents an hour over the next couple of years, we'd like to take that money and put it into a better pension plan."

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So to suggest that the employer should be given a unilateral right to take a pension holiday or to withdraw pension surpluses in the case of a partial or full windup of pension plans is in effect taking money out of the pockets of the employees. I would say that the government is wrong-headed in doing so and what the government needs to do is withdraw that section of the bill and let that stand alone in its own piece of legislation so it can undergo the full scrutiny of the public. The problem we have with this is that this bill will become law after three days of second reading, minimal days at hearings and one day of third reading. Nobody's going to have an opportunity to do anything about it because of the way the government rams legislation through the House.

We cannot allow those types of changes to happen because, quite frankly, they're aggressive; they're changes that really tilt the balance in favour of the employers. I say again that you will rue the day you made those changes to the Pension Benefits Act because I know that in discussions I've had with many people within the pension field, especially members of pension plans, they don't take very kindly to people who decide, for whatever reason—in this case, the Conservative government—to allow people to scoop money out of pension plans that doesn't rightfully belong to them.

That's why I would repeat again that what we need to do is take a look at some of the ideas we're putting forward as the NDP, which basically say we should deal with pensions in a positive way. We should allow for full portability of pensions, that all workers in the province of Ontario have the right to a portable pension plan that says wherever you work in the province of Ontario or wherever you go, your pension comes with you. We should be allowing that to happen as a matter of dignity for workers, which recognizes that in today's workplace, people don't work at any one place for 25, 30 or 35 years; most people work for the same employer for less than a couple of years. So what we need to do is make sure that we change the pension regime in the province of Ontario so that workers, no matter where they work, on the first day they walk into their employer, are covered by a pension plan and they are automatically vested so when they retire, they're able to bring all of those pension credits, are able to accumulate them to build a better pension plan so they're able to retire at the end with some dignity.

With that, I'd like to thank you for this time to debate. I'm looking forward to the comments made by the members opposite with regard to what I've laid out today in my speech.

The Acting Speaker: It is now time for members to take up to two minutes for questions and comments.

Mr Chudleigh: The member suggests that we on this side of the House should read the legislation. I would suggest that the member opposite should also read the legislation, and not just the summary on the inside of the front page. I would direct his attention specifically to section 79.1 and 79.2, and don't confuse the two when you're talking about pensions.

The government is moving to protect the pension benefits of all current and former employees by protecting the long-term viability of pension plans and their surpluses. Nothing in this legislation affects the earned benefits of pension plan members or retirees. The purpose of the legislation is to provide more flexibility in how employees, employers and the plan members negotiate surplus-sharing agreements, which were severely restricted by a recent court case.

The new surplus provisions introduced by this budget bill provide that employers may withdraw surpluses from a pension plan only at a time when there is an agreement in place. If there is no agreement in place on how that surplus has to be withdrawn, then the current employers' employees have to vote by a two-thirds majority to agree to any surplus windup of a partial plan, plus former employees of the plan must also vote in a two-thirds majority in order to allow the windup and the removal of funds from any plan.

I can't see anything in there that would be detrimental to any employee or former employee of any pension plan in Ontario. Very, very few pension plans in Ontario do not have an agreement in place as to how those surpluses are dealt with. So I would recommend that the member spend some time reading the full document, not just the Coles Notes version.

Mr Dave Levac (Brant): I appreciate the opportunity to discuss what the member for Timmins-James Bay has been talking about. I compliment him on his passion and concern for the employees, past and present, regarding their pensions. I would assume that everyone in this place is deeply concerned about making sure that the people of the province of Ontario who have made contributions to any pension plan are protected in terms of anyone having the authority or the right to remove those funds without input from those particular employees who, over the years, have accumulated that pension under the promise to themselves and their families that that's why they're doing it, to protect themselves and their families down the road when they've finished their work careers.

I also compliment the member for Toronto Centre-Rosedale, who earlier spoke with passion about this issue to make sure we're doing the right thing in this particular piece of legislation. One of the concerns I have that I would like to express is that the members on the other side are saying, "Don't worry about it. It's taken care of. You're misinterpreting everything we're saying." The fact is, when they say, "Make sure you read the details," when we do go over them and point out some of the concerns we have, it's very few times that I've seen it when the government says, "Yes, we did make a mistake. It's going to be used for another purpose."

I saw evidence of that today, believe it or not, in the discussion at committee of Bill 179. After consultation with the people from the affected areas, they finally stepped forward and said, "The idea you're presenting is going to cause us some problems, and you need to withdraw it." Guess what? The government actually passed an amendment to withdraw the section that was offensive and actually was going to cause more harm and destruction. I'm hoping the same thing is happening with Bill 198, in terms of all of the stuff we've counted, and we know we've announced to the government time and time again the record number of time allocations—and I mean record; Guinness would be very proud of this government—that have been used and the lack of real analysis. I'm hoping they do that.

Mr Wayne Wettlaufer (Kitchener Centre): I'd like to direct my comments to the comments the member made insofar as automobile insurance is concerned. For more than a generation, the level of rhetoric that the NDP has raised toward the automobile insurance industry has designated automobile insurance to be an art form, under their interpretation. It's a very complicated subject, and it's one with which I am intimately familiar. I have travelled to Bermuda, I have spoken with international insurers and re-insurers about the problem facing Ontario automobile insurance companies. The member said, "Why don't they leave the province of Ontario if they're not making any money?"

Speaker, I submit to you that they are, in fact, leaving the province of Ontario. Some of them have actually gone out of business, and some of the foreign carriers are leaving the province of Ontario. It is impossible to purchase terrorism insurance in Ontario since September 11 because the insurance companies are losing so much money that they are not even providing terrorism coverage, not just on automobile insurance, but on homeowner's and commercial insurance. Anybody who's watching this is painfully aware how little the NDP understands about insurance. Unfortunately, their rhetoric has made it seem that anybody can understand automobile insurance in the province of Ontario. It is a very difficult and complex topic. If they had embarked on the level of rhetoric toward doctors in this province to the extent that they have automobile insurance, they would have everybody in Ontario believing that doctors are crooks. We know that's not true. The NDP should learn a little bit about from where they are speaking.

Mr Ernie Parsons (Prince Edward-Hastings): I'm pleased to speak to this. I would mention that I've noted a number of stories in the media lately from doctors in Ontario who are concerned about how this current government is treating them as crooks, coming in and saying, "You're not doing enough paperwork, so we'll take the money back." So now we have doctors filling out forms rather than serving patients. I can understand the need to simplify things, and I wish the government would start, but instead things get complicated in this world.

I look at Bill 198, a fairly massive document, and certainly we've had a lot of discussion about the pension

portion of it. We need to get over the mindset from this government that working families are the enemy, that they don't know how to handle money and others will do it for them, because it is absolutely insulting and wrong.

1700

I look at this bill, and there's one very intriguing comment in it under "Pension Benefits Act." I'm sure that we all, as politicians, are interested in hearing comments from the public as to whether part of an act is good or bad. One sentence in here—it's one paragraph consisting of one sentence—says, "An amendment to section 55 of the act permits employers to suspend or reduce their contributions to a pension plan in prescribed circumstances." What does that mean? It permits employers to suspend or reduce their contributions. We seem to be living in an era now where we can rewrite history, and this government seems to be focusing on rewriting legislation back 10 years ago or more. It's an absolute affront to justice when people make comments, participate in a pension plan and have negotiations, never imagining that 10, 12 or 14 years from now someone will come back and change it.

I don't believe it is sound practice or even morally correct to make things retroactive. What happened up to a minute ago is now history. We're now dealing with what happens today. This small portion of the bill very clearly needs to be put out for public consultation and public education on it as to what is being snuck in here.

The Acting Speaker: The member for Timmins-James Bay now has up to two minutes to respond.

Mr Bisson: The member for Prince Edward-Hastings responded to the point that I was going to respond to from the member for Halton, which is that we should take time to read the legislation. I just want to point out that we have taken time to read the legislation. That's how we found out what was in it in regard to pensions. Not only have we read the legislation, but we've given the legislation to people who are much more learned about these issues, I would argue, than any of us in the Legislature. We've given it to people in the legal profession who deal with pension legislation on a day-to-day basis, and their interpretation is exactly as we fear, which is that this legislation gives employers a right to withdraw pension surpluses out of pension plans in the event of a windup or partial windup.

I argue that if that's the case, we would never have been able to negotiate half-decent pensions for many people around this province, because the pension surplus often is what we use to be able to negotiate a better benefit when it comes to being able to pay for those better benefits.

The other thing this legislation does, under section 171 of the bill, is that it basically says an employer can take a pension holiday if there's a surplus in a pension plan. I argue that if you do that, you'll never be able to build a better pension plan and people will not be able to retire in dignity, as they should have the right to do. So at the bare minimum, we argue that this part of the legislation should be taken out altogether and the government should not include that in this particular bill.

The member for Kitchener Centre says the NDP should learn something about auto insurance. It seems that we learned quite a bit in Manitoba, Saskatchewan and British Columbia. What we learned was that when public auto insurance is in place, people pay less. That's what people have found out in the case of public auto. I agree that as a government we should have done it between 1990 and 1995; no argument. But don't make an argument to me that somehow what we have in Ontario is better, because all I know is that we pay far more than they pay in most provinces.

The Acting Speaker: The floor is now open for further debate.

Mr Chudleigh: The member opposite knows full well that publicly paid-for auto insurance is subsidized through the tax system one way or another. If the rates don't go up, the taxpayer is paying for it in other ways. But he knows that.

I rise very proudly to talk about Bill 198 today, because Keeping the Promise for a Strong Economy Act (Budget Measures), 2002, is a wonderful bill. I rise today on the great potential impact this vital piece of legislation is going to have. It is an act with a very broad scope. It is an act with a very broad vision and a broad range of beneficiaries. It is an act with the potential to improve the lives of Ontarians in all income tax brackets, in all business sectors, and in all regions of the province.

It is a necessary act so that our government can move forward with our commitment to our province, that of ensuring Ontario is the best jurisdiction in North America to work, to live, to invest and to raise a family.

Today I would ask for your support for Bill 198. I am asking you to support reduced pressures on auto insurance rates for Ontario drivers. I'm asking you to support better and faster treatment for auto accident victims, especially including children. I'd ask you to support tough new rules and penalties for malfeasance in our capital markets. I'd ask you to support new financing tools for municipalities through opportunity bonds and tax incentive zones. I'd ask you to support increased investment and job creation. I'm sure there isn't anyone here who wouldn't support that, as you would all want to support a robust economic growth in this wonderful province.

Your support of this act will ensure Ontario remains the brightest star among North American economies.

My colleagues will outline for you in greater detail some of the headline initiatives that Bill 198 would, if approved, implement.

I would like to take a broader view of this legislation. I would like to show you why it is important to support the Keeping the Promise for a Strong Economy Act, 2002, by highlighting how every Ontarian in virtually every corner and walk of life in this province stands to benefit from the measures that it proposes.

First, let's talk about auto insurance. To begin, Bill 198 would implement reforms to Ontario's auto insurance systems, reforms that would provide greater protection to consumers and help improve the system for everyone who uses it. If approved, the act would expand

the legal rights of innocent victims with serious and permanent injuries to sue for damages in excess of no-fault insurance benefits. It would also expand the rights to sue for damages to cover health care costs for injured children. It would introduce treatment guidelines for minor injuries such as whiplash to help promote quicker access to proper treatment by eliminating the need for prior approval. It would also improve industry competitiveness by providing measures to streamline operating costs.

We are committed to keeping auto insurance premiums competitive, while providing more support for consumers. Quite simply, all Ontario drivers would stand to benefit from this commitment and from the measures proposed in this act.

Secondly, we would like to promote investor confidence. Bill 198, if approved, would implement reforms, among the toughest in Canada, to punish wrongdoing and protect investors in our capital markets. These measures would include tougher penalties to ensure compliance with Ontario's securities laws: maximum court fines for general offences would increase to \$5 million from the current \$1 million, and maximum prison terms would increase to five years less a day from the current two years; new powers that would give the Ontario Securities Commission the authority to impose administrative fines of up to \$1 million for securities law violations and order that offenders give up the amounts they have gained through these violations; stronger powers for the Ontario Securities Commission to review the information that public companies disclose to investors; greater clarification of offences such as securities fraud and market manipulation, and for making misleading or untrue statements; broader rights for investors to sue if companies make misleading or untrue statements or fail to give full and timely information; and finally, new rule-making powers for the Ontario Securities Commission to hold CEOs and chief financial officers accountable for the accuracy of their financial statements. This will give investors much more confidence when doing business in Ontario.

Our government believes business and investors alike deserve a consistent framework within which to grow and invest. Through the measures announced in this act, if passed, we will ensure even higher standards of consumer protection and business practices, making Ontario a trusted destination for investment and business.

Thirdly, we're introducing in this bill opportunity bonds and tax incentive zones. Strong cities, towns and rural communities are vital for achieving continued economic prosperity.

Our government recognizes that. The challenges faced by the sprawling metropolises of this great province are quite different from those faced by small towns in rural Ontario. The financing tools traditionally available to each of these sizes of communities have not served them well or equally.

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Among the many initiatives included in this act is legislation that would allow the province to provide

opportunity bonds and create tax incentive zones for municipalities facing pressing infrastructure and economic development challenges. Both these initiatives complement the Smart Growth agenda of helping municipalities with their infrastructure needs and becoming more attractive to investment and as a place to live, whether you live in small-town Ontario or in the metropolises of Toronto, Ottawa, Hamilton, London or Thunder Bay.

Opportunity bonds are a tool to raise low-cost financing that would assist Ontario municipalities that need to make significant improvements to their infrastructure over the coming years. Opportunity bonds would allow municipalities to finance long-term capital projects with long-term financing. They would also benefit investors in that they would offer investors an income tax exemption on the interest earned on the bonds, as well as an attractive rate of return with a large degree of safety. The last municipality in Ontario that was insolvent was back in the 1930s, so it's a tremendous track record and a very safe investment tool. Opportunity bonds would provide Ontarians with an opportunity to invest in the quality of life in Ontario, thereby making an investment for themselves and their families.

Establishing tax incentive zones in Ontario is another important initiative that would stimulate investment in Ontario communities. By declaring an area a tax incentive zone, businesses would be encouraged to invest, locate or expand there to help support economic growth and job creation.

To develop the program, the government has been consulting with community and business leaders since early September on how to design and implement a program that works for communities experiencing challenges in attracting investment and jobs. It's been a very interesting process to travel across Ontario and listen to the people in small-town Ontario, in medium-sized Ontario and in large cities in Ontario and how they view the economic challenges they face. Small towns face infrastructure problems that large cities might take for granted. Large cities have no idea of the challenges faced by small communities. Designing a program that takes into account the needs of all those different-sized communities is one that has been truly challenging and extremely interesting, and we look forward to brining those regulations in and seeing how that balance between the large and small communities can be enhanced to ensure that the viability throughout Ontario for all sizes of communities and all jurisdictions can be met and indeed enhanced.

We recognize that many communities have been actively pursuing economic development opportunities and would welcome the opportunity to use a tax incentive program to further these efforts. Opportunity bonds and tax incentive zones are tools that, if approved, will support the implementation of the government's Smart Growth strategies to build strong, vibrant and prosperous communities across this province, from one end to the other.

This act would allow the province to put in place a program that would allow municipalities to invest prudently in improving and maintaining their infrastructure. The direct beneficiaries would be the people who live in these towns and cities, wherever they may be in Ontario, but we believe the broader positive effects, including economic growth and increased investment opportunities, will be felt by Ontarians across this province. I would urge your support for Ontario's cities, towns and rural communities, and I would urge all members in this House to support those communities from which they come by supporting Bill 198.

Fourthly, the delayed tax cuts are another aspect of this bill, and they've created some conversation and some controversy over the past few weeks. One of the measures included in this act is the proposal to delay certain tax cuts for one year. As you know, this proposal was first announced in the 2002 Ontario budget last spring and has generated its fair share of attention since that time. Some have questioned the motivation for delaying previously announced tax cuts and have also questioned the government's commitment to reduced taxes. I would like to make our motives and commitments very clear. The delay is in response to a temporary fiscal challenge resulting from last year's economic downturn and affects only scheduled cuts to personal and corporate income tax. This delay is for one year only. The planned rate reductions to personal and corporate income taxes and the phase-in of the equity in education tax cut would recommence January 1, 2004. I repeat: the planned rate reductions to personal and corporate income taxes and the phase-in of the equity in education tax credit would recommence on January 1, 2004.

By 2004, Ontario's additional 20% personal income tax cut would be delivered. Once it is fully in place, Ontario's marginal tax rate would be the lowest among all provinces for individuals earning less than \$60,000 a year. By 2006, Ontario's corporate income tax rate cuts would be fully implemented. As a result of these cuts, Ontario will have the lowest general combined corporate income tax rate of any province or any state in the US.

Clearly, tax cuts continue to be on the province's agenda. The delay we are proposing is only a delay, and only for one year because of our short-term economic and fiscal situation. The province's long-term goal remains the same. The proposed one-year delay would not impair Ontario's tax cut plan. We abide by the proven notion that cutting personal income tax and business tax leads to significant long-term productivity and growth, and nowhere is that more evident than in the one million new jobs that have been created by the private sector in this province since 1995, the direct result of cutting taxes, both personal and corporate, along with the employer health tax as well.

We are pursuing the development of a new multi-year tax reduction plan that would include the next steps toward eliminating the capital tax and Ontario's income tax surtax. We are laying the groundwork for continued tax cuts for next year and the years beyond.

In the meantime, we are continuing with certain other tax cuts. Because nearly half of all new jobs are created by small business, we are continuing with already planned reductions in the corporate tax rate for small business. Due to the importance of mining to the northern Ontario economy, planned reductions in the mining tax rate will also go ahead on schedule. And in order to remove another 50,000 people—50,000 people—from the income tax rolls in Ontario, we propose to enrich the Ontario tax reduction program, bringing to 745,000 the number of Ontarians who no longer pay any provincial income tax whatsoever. We would challenge the federal government to match that number.

The next step in these tax cuts would be implemented as scheduled on January 1, 2003, a few short weeks from now. Of course we'll all have our Christmas shopping finished by the time that tax cut is implemented.

The current state of the Ontario economy is proof that past government policies are working well. Ontario's real gross domestic product increased by 1.7% in the first quarter of 2002. Private sector forecasters on average expect Ontario to grow by a robust 3.6% in 2002, accelerating to 3.7% in 2003. The unemployment rate is down to 7.3% and housing starts are up 15% from September 2001. Judging from the economy in the Halton area, I think most of that 15% has taken place in the towns of Milton, Georgetown, Acton, Oakville and Burlington.

1720

Consumer confidence is up 21.9%—almost 22%—from October 2001. Since 1995, 613,000 fewer Ontarians depend on welfare. That number continues to grow as the number of people dependent on welfare continues to shrink in Ontario. The measures included in Bill 198 would help ensure that this positive environment of growth and prosperity continues.

Community small business investment funds: a very important aspect for job development in Ontario. We are proposing to extend the deadline for registering new community small business investment funds for an additional year, from December 31, 2002, to December 31, 2003. This would allow the program to continue to raise venture capital for small business, especially in the areas of university and hospital research commercialization where it has been very successful.

As well, this bill talks about school bus safety incentives. We've talked about Ontario's towns and cities, taxpayers of all income brackets, businesses, both large and small, and motorists. This act also addresses the needs of children who ride on certain school buses. Bill 198 would extend the Ontario school bus safety tax incentive from May 4, 2002 to December 31, 2005.

This incentive was first introduced in the 1999 Ontario budget as a result of the province adopting a new standard for school buses developed by the Canadian Standards Association. This incentive provides a 30% deduction for the capital cost of acquiring a new school bus for use in Ontario and has successfully encouraged school bus operators throughout this province to replace

old buses with new ones that meet these new safety standards.

Our government is committed to providing the children of this province with the tools they need to grow into the leaders of tomorrow.

Among the measures proposed in Bill 198 are a number of administrative refinements to various acts and other general housekeeping amendments. The proposed housekeeping measures included in Bill 198 would repeal obsolete provisions, refine terminology, update references and clarify the application of definitions.

It is true that such measures are not the stuff of headlines, but they are the hallmark of a responsible, prudent and accountable government. Our government is committed to reviewing policies and procedures on a regular basis to ensure the efficient and effective use of taxpayers' dollars.

There you have it, Mr Speaker. I have stated my reasons for supporting the Keeping the Promise for a Strong Economy Act, 2002. As I mentioned earlier, it is an act with the potential to improve the lives of Ontarians in all income tax brackets, in all business sectors and all regions of the province. By supporting Bill 198, you will be supporting our province, our prosperity, our children and our future.

The Acting Speaker: Members now have up to two minutes for questions, comments.

Mr Pat Hoy (Chatham-Kent Essex): I'm pleased to rise and make some comments. I did note that the member opposite spoke about incentives for school buses. I suspect that is a good idea. There are some 16,000 school buses in Ontario and from time to time I'm sure they need repair. Those of us who live in agricultural communities and others recognize that one cannot repair machinery over and over again. There comes a time when upon putting the second, third and fourth motor in a bus, for example, you're going to have to replace it with a new piece of equipment.

I've talked to bus operators in terms of bus transit who have run into this exact problem for their local needs whereby they have repaired the bus so many times, two and three times over with motors, transmissions etc. That's very well and good, but at some time the buses need to be replaced in total and modernized for various reasons.

I would have liked to have heard the member opposite say that the government was going to enact Bill 112, a school bus safety bill that would have allowed for the identification of those who offend the law by passing a school bus when the red lights are flashing. Members here know that that bill has been brought to this Legislature five times, on two occasions, and currently has received second reading and support from all sides of the House. I would urge the government—and was hoping they were going to say, "Yes, we're going to replace school buses and provide some kind of incentive for the purchase or repair of school buses." But we need a law to protect the children who ride on the 16,000 school buses each and every day, and of course Bill 112

would provide the conviction mechanism that's required to protect the over 810,000 children who ride our school buses daily.

Mr Bisson: To the member for Halton, to get up and rhyme off that Bill 198 in no way, shape or form puts in danger people's life savings by way of pensions I think is really beyond the pale.

The member says, "If you only took time to look at the legislation, you'd see that what we're really doing here is protecting workers and their pensions." The reality is that if you'd read the legislation, you'd find out it does exactly the opposite. It does away with the current regulation in this province that says, "If there are any surpluses that exist inside a pension plan and the employer is in a position of having had a layoff or plant closure and a partial or full windup has to be done on the pension plan," it basically does away with current regulations that say, "You can't take any money out of the pension plan without the permission of the plan members."

What you're doing is putting in place a regime that says, "Under certain circumstances, the employer is going to be allowed, in the case of windups and partial windups, to take surpluses out unilaterally, provided they apply to the pension board."

Second, you're allowing the employer to have pension holidays. It means that if you work for an employer who happens to have a situation of a pension surplus, that employer will be able to unilaterally say, "I'm not making any pension contribution, because there is a pension surplus in the pension plan. I don't have to put any more money into the plan until that over-contribution, which is basically the surplus, is taken care of." I'm saying that if you allow that to happen, the effect of that is that employees will not be able to negotiate better pensions, because far too often the only way we can get the employers to agree at the bargaining table to increase a benefit is by way of the surplus that exists in a plan. If you're going to allow a mechanism for the employers to take away those surpluses, either by way of a pension benefit holiday or by way of taking out surpluses, you're not going to be able to allow those employees to get better pension plans. I say, that's wrong. I say, take it out of the legislation. If you do so, at least you'll do something right in this bill.

Mr Rob Sampson (Mississauga Centre): I'm pleased to spend a couple of minutes here to speak about the bill and, more specifically, the auto insurance components that our member from Halton and some members as well have already spoken to.

To the NDP, I must say they are at least consistent in championing public auto. At least, I think they're consistent in championing public auto. They championed it for a while and then, as you got closer to the election, unchampioned it, and now you're back on it again. That's all right. Their point is reasonably consistent: that somehow public auto is a cost-saver. "See the rates in BC, Quebec, Manitoba and Saskatchewan," they say. What they don't tell you is that of course you need to also take a look at the public health care system in those

provinces as well, which picks up the lion's share of the health costs associated with auto accidents. That doesn't happen here, but it happens there and never shows up in the premium. You can't really see the full story by taking a look at just one of the chapters.

Mr Bisson: You want to subsidize the private sector.

Mr Sampson: I say to my colleagues across the floor that the initiative you see in this particular legislation is actually recommendations and suggestions that have come forward from a consortium of people involved in delivering automobile insurance: those selling it, those providing the health care system and services to those who are involved in accidents, and those who are actually charged with the responsibility of designing and implementing the various insurance products that we have in this province. It's a consortium that has been developing for a number of years. I dare say, in 1995 when we first looked at auto insurance, it was not there, but it is here now. That's why we have on the table here as part of this bill some interesting amendments that will actually benefit consumers, since that is where this group is now focused.

1730

Mr Bruce Crozier (Essex): I want to direct my comments to those made by the member from Halton with regard to pensions. He would dismiss the changes this bill brings forward as something not to worry about. He would tell those employees who are fortunate enough to have pensions in this province, "Don't worry. This isn't going to hurt you. We're going to allow companies to take surplus money out of pension plans. That's OK. It won't hurt you."

I go to the point of one of my other colleagues. Many times over the years surpluses in pension plans were used to enhance those pension plans. I don't think those surpluses will be there any more to do that. We have changes in the economy. A few years ago there may have been surpluses in pension plans because the stock market was good. I take it that these days there are a lot of plans that don't have surpluses.

So what I think the government has to do, if they feel that way, is to communicate it and have public hearings so the public can address their concerns about it. For example, I know all of us are receiving a substantial number of e-mails, because I can see the addresses on the top of them, about the public's concern on this. I'll read just one letter of many from a concerned constituent who says:

"I am writing to inform you that I represent many former employees of the Johnson and Johnson medical Products plant that closed in Peterborough in 1998 and moved to Mexico, first partially winding down and further fully winding down the pension plan for hourly employees.

"I urge you not to support this legislation, as it will allow Johnson and Johnson to run away with the surplus of the pension plan that the workers' contributions helped build in the same fashion as Johnson and Johnson ran away with their jobs."

There is concern there.

The Acting Speaker: The member for Halton has up to two minutes to respond.

Mr Chudleigh: I'd like to thank the member for Chatham-Kent Essex for his reasoned response about supporting school buses. A very important part of our government and of this House is to protect the leaders of tomorrow, one of our most important resources, the children of this great province. I thank him for his comments, and of course the member for Mississauga Centre and his reasoned and level support for our auto insurance.

However, the members from Timmins-James Bay and Essex talked about my comments regarding the pension plan. I don't know, you can check Hansard tomorrow, but I don't believe I mentioned the word in my speech. Let me reiterate very clearly, and you have to read sections 79.1 and 79.2, those two sections and understand them, understand that they are different. There is nothing in this legislation that affects the earned benefits of pension plan members or retirees. Nothing. Sorry. There isn't any bogeyman hiding in the closet.

In fact, if you are going to remove or wrap up a pension plan, you can't do it under this legislation unless you have a two-thirds majority from the people in the pension plan—the employees—and a two-thirds majority from the people who are already on pension—the retirees. I think if you get a two-thirds majority from the employees and a two-thirds majority from the people already retired, I don't think they are going to be hurt too badly by that agreement. They're agreeing to it by a two-thirds majority. What could be safer for a pension plan than to have that in place to ensure that pensioners and people who are going to go on pension in the future are going to be protected? That's what this legislation does: it protects the future of those pensioners.

The Acting Speaker: The floor is open for further debate.

Mr Crozier: I am pleased to spend some time this afternoon debating Bill 198. I am particularly pleased to have the opportunity to debate this bill early in the process because I fully expect that within a very few days there will be a motion to limit debate on this. Very likely, part of that motion will be to minimize public hearings, if any, and I suspect part of that motion may be that there not even be any third reading debate, if that follows the pattern this government has followed recently. Therefore, in this Legislature these days, you have to get your name on the speakers' list early, because chances are you won't have the opportunity to speak to it.

Bill 198, An Act to implement Budget measures and other initiatives of the Government, certainly is a bill that's going to address other initiatives of the government, because it amends some 28 acts. It's a so-called omnibus bill of some 146 pages.

Interjection.

Mr Crozier: I heard a comment from over there. I'm sure what he said was, "It's not really an omnibus bill; it's an ominous bill," because we should be concerned about all that might be contained in this bill.

There are certainly parts of it that should be dealt with separately. I think the pension sections of the bill should be dealt with separately. The challenge I gave to the government—in fact, I didn't even comment at this point as to whether those amendments are right or wrong. What I said to the government was, "You should, number one, communicate what it is you want to do, because there are a significant number of people in this province who are concerned about those pension amendments. So through public hearings, you give them the opportunity to bring those concerns to you, and you have the opportunity to convince them that you're doing the right thing." I think therein lies the problem, because I think you might have a very, very difficult time convincing people that you're doing the right thing.

He says there are no bogeymen in this bill. Again, not being a gambling person, I still would be willing to bet that there are, that there are some hostages in this bill that, even through the work we've done on it up till now, we may not know about, but there certainly will be.

This Eves-Harris bill is called a "budget bill," which sets economic policy and general direction for the government. So, since I oppose the policy and direction of this government, I have no hesitation in saying that I won't support this bill.

The budget bill proves that the Harris-Eves Tories promised things they couldn't deliver. They promised tax cuts, the Taxpayer Protection Act and balanced budgets without cutting services. Let's look at what they plan to do. In the corporate tax cut area, this budget continues the corporate tax cut, but it adjusts and delays the cuts until after the election. What we in the official opposition want to do is simply take the \$2.2 billion in tax cuts to profitable corporations and get rid of them altogether. We think it's simply a bad economic policy.

My colleague Gerry Phillips has said on a number of occasions in this Legislature that there's no point in racing to the bottom. We have competitive tax rates in this province now. What's the point in being 25% below your competition? I doubt that there are many retail businesses in this province that go out and knowingly and on purpose put their prices 25% below those of their competition. Should they be competitive? Absolutely. Should we be competitive as a province? Absolutely. But what we think you should do with those \$2.2 billion in tax cuts to profitable corporations, I say again, is invest them in a high-quality workforce, high-quality education and high-quality health care—by the way, I think our health care system attracts more business to this province from other countries than do tax cuts—and not just go for bargain basement corporate taxes.

1740

The Taxpayer Protection Act: the Harris-Eves government, without some changes, would be breaking its own law. This proves again what we've been saying all along, that Ernie Eves will do anything to cling to power.

The member from Scarborough Centre went on about job creation, if I recall what she said, that there's been an increase in jobs every month, every year that this

government has been in power and it's all due to tax cuts. If that's the magic answer, we could go to the point of saying, why have any taxes at all? And then things would really be booming. But I'll go to what you're doing. You're saying that tax cuts are the answer to a great economy, a booming economy, and yet you're delaying your own tax cuts. There's something wrong here. Either tax cuts are good and you should continue with them, and in fact maybe increase them, or tax cuts are bad and now you want to delay them. It's a little difficult for the public to figure out exactly what it is you're saying when you're so proud of these tax cuts and yet you've now decided to delay them. We know what it is. They've gotten themselves into a financial bind. That's what these tax cuts have done.

I can remember, for example, when I came here in 1993 and Michael D. Harris was sitting over to the left-hand side here and he stood up and told the government of the day, "This province is bankrupt." He went on and on about it. What did Harris do when he first got in? He gave a tax cut. I was in a retail business, a private business, for some 22 years. I was the financial officer of that business. I can't imagine that we would have taken—we didn't in fact take money out of that business if there was any concern about having a loss. There was never a concern about being bankrupt, but certainly we had to look at that business and say, "Can it afford a dividend at this time?"

That's one thing I've never been able to figure out about Mr Harris's philosophy—and now Mr Eves's philosophy, although he's delaying it—and that is, if the province were bankrupt, like a business which might be bankrupt, why for goodness' sake would you ever start out by giving a dividend? Why wouldn't you first put your fiscal house in order, take care of those things that need to be taken care of, like health care, like education, like the environment, and then, when you have those things in order, give the dividend to the people of Ontario?

This bill, in my view, is anti-democratic. I started out by saying it was an omnibus bill—there I go; I almost said "ominous" again—that covers some 28 acts. In our democratic charter for Ontario, Dalton McGuinty's democratic charter, we pledge not to bring in omnibus bills that deal with substantive issues. Certainly in this case the delaying of the tax cuts I think you would consider as a substantive issue; the changes to the automobile insurance in the province as a substantive issue; the changes that this will make to pensions in Ontario as a substantive issue. So there are only three instances out of some 28 acts that we think should be dealt with in bills that stand on their own. The auto insurance part of this act deals with three acts, as a matter of fact.

This bill deals with everything from auto insurance to electricity restructuring to tax policy. The bill implements measures, as we've been told, that were contained in the 2002 budget. The 2002 budget was brought in I think in May. Here we are in November, dealing with

issues that we are told were part of the budget. I don't know where the government was in June and in September and in October and early November. Wait a minute; I do know where they were. They certainly weren't on the agenda that they had planned for. I don't think that this government has dealt with any substantial issues that they had on their agenda, if there was one, because this fall has been one that's been completely taken over by a government that completely mismanaged an issue, and their agenda, quite frankly, has been taken away from them.

Principally, the delay in corporate and personal income tax and the delay in the increase in the private school tax credit are of note. Again, we want to see not just a delay in the corporate tax cuts, but we want to do away with them altogether.

We also oppose the private school tax credit. Our education system is in dire need of funding. I too, like my colleague from Chatham-Kent Essex, have recently met with school bus operators. That's something I hope to deal with over the next few days or a week with the government. But there are parts of our education system that are in such dire straits that it's almost—I'm trying to choose my words carefully. I can't think of why the government at this time would consider giving, over a period of time, up to half a billion dollars in credits to private schools when our public school system is so much in need.

Here again, it goes to my way of thinking that what you should do is fix what you are responsible for today before you start to try and fix something else. Get the publicly funded education system in order before you go off doing something else. As a matter of fact, there are any number of so-called private schools that could come under the umbrella of the Education Act if they would apply the same rules that apply to our publicly funded education today. So there's an area where we think that half a billion dollars could be much better spent now in publicly funded education and, later, you can consider some other initiatives that you might want to take under your wing.

The legislation delays the government's planned personal income taxes as well. It makes significant changes to the system of settling auto insurance in the province and settling auto insurance debates. The tax cut delays confirm what we have been saying for some time, and that is that we can't afford the tax cuts at the present time. There are probably even more significant areas, more important areas in this province that need the funding that could be provided by some of these tax cuts. When I go beyond the thought of our health care system, our education system, I can think of, for example, the environment.

The environment has been significantly underfunded under this government. In fact, the cuts to the protection to the people in this province is only evidenced by the absolute tragedy that took place in Walkerton. If some of these tax cuts were eliminated, as opposed to delayed, that money could be put into safe water in this province. Municipalities are amongst the leaders when it comes to

protecting their citizens and certainly don't dispute the need for safe water in this province.

I take the example of Pelee Island. Pelee Island at the present time, as a matter of fact, has charges against it from the Ministry of the Environment when it comes to their water system. How, for goodness' sake, are they ever going to be able to fix this without help from the government? I suppose these charges may very well result in fines. How can you pay fines when you can't raise the money, you don't have the assessment base to raise the money to repair the system in the first place? Pelee Island is just an example of a small community that's going to need a great deal of assistance. I suggest that these profitable corporations need that money a lot less than do small communities like Pelee Island.

1750

The government says it's delaying the tax cuts due to a short-term fiscal problem. I hope the government isn't trying to solve its short-term fiscal problem by selling some \$1.8 billion in assets, for example, like Hydro One. Because that's not only a short-term fiscal problem, it's being short-sighted in the way that you're going to solve this problem.

I want to take the last few minutes of my time to speak about auto insurance. As has been mentioned by several of the members, auto insurances rates, as we know, are up across the province an average of about 10%. I have to laugh at that, because I sent my renewal in August to the finance minister, Mrs Ecker; my insurance was up 47.6%. At first blush, I said, "Obviously, this insurance company doesn't even want my insurance." My friends across the way will understand this very well. There was no change in risk; I hadn't had any accidents or claims, I hadn't had any tickets and I was driving the same automobile—absolutely no change. Mine went up 47.6%. I can assume that it was underpriced to begin with; I'll accept that. But certainly not all of that 47.6% was simply underpricing. There are some initiatives in this

bill that are going to try and address that. It's going to try to address fraud, because it's going to have a process laid out for soft tissue injuries, for example, so that there's a protocol that's gone through on the treatment of certain injuries, so that we don't go through a long and drawn-out and expensive process of settling those claims.

I tell the people of Ontario, in its attempt to limit fraud, unfortunately there are going to be some good, honest people who are going to be hit by it. I don't know whether these are the out-and-out solution to the problem. I guess, like changes in the past, time will tell. We thought we had this fixed a few years ago. That obviously is not the case. So there are going to be some people who are going to be caught in this.

There's also another part in this bill that says under the Compulsory Automobile Insurance Act, "The Minister of Transportation may enter into agreements authorizing one or more persons to collect and keep information, provided under subsection (3) on behalf of the registrar, and require those persons to provide the information." It always makes me nervous when an act like this says that "one or more persons" may collect and keep this information. We know what happened with the Province of Ontario Savings Office, and that was that some private information got out where it shouldn't have.

My final word on the auto insurance part of this bill is, if the people of Ontario expect that their auto insurance rates will go down—they won't. Auto insurance rates are going to continue to climb until we get it right in this province. I'm not so sure that we have it right in this bill, and it should be a separate bill so that we can discuss that issue fully.

The Acting Speaker: It being almost 6 of the clock, this House will stand adjourned until 6:45 pm this evening.

The House adjourned at 1755.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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of Ontario



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Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Monday 18 November 2002

Lundi 18 novembre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 18 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 18 novembre 2002

The House met at 1845.

ORDERS OF THE DAY

CONSUMER PROTECTION STATUTE LAW AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT DES LOIS EN CE QUI CONCERNE LA PROTECTION DU CONSOMMATEUR

Resuming the debate adjourned on October 31, 2002, on the motion for second reading of Bill 180, An Act to enact, amend or revise various Acts related to consumer protection / *Projet de loi 180, Loi édictant, modifiant ou révisant diverses lois portant sur la protection du consommateur.*

Hon Doug Galt (Minister without Portfolio): On a point of order, Mr Speaker: I would request that we have unanimous consent this evening that one hour be divided equally among the recognized parties for the purposes of tonight's debate. At the end of that time, the motion for adjournment of the debate will be deemed to have been made and carried and the Speaker shall adjourn the House. For the purposes of standing order 46, tonight's debate will be considered one full sessional day.

The Acting Speaker (Mr David Christopherson): You've heard the request for unanimous consent to place the motion. Is there agreement? It is agreed.

You've heard the motion. The motion is deemed to have been moved. All those in favour of the motion please indicate. Any opposed? Good.

Interjection.

The Acting Speaker: You're usually the source of trouble. The House leader for the third party.

Mr Peter Kormos (Niagara Centre): I'm standing to speak to this bill, sir.

The Acting Speaker: And I was going to give you the floor so you could do just that.

Mr Kormos: This is the remnant of 20 minutes of the leadoff that we commenced, I can't even recall how long ago now. I do want to tell you, though, I was in committee this afternoon when the justice committee considered Bill 179, one of this government's omnibus bills, its latest omnibus bill. The bill has appendices A through P, some 15 or 16 different schedules, if you will, to the bill that amended a huge number of acts. Yet with time

allocation this government caucus, the Tories, the Conservatives—

Interjection.

Mr Kormos: New Democrats certainly didn't support the time allocation motion—sent this huge bill to committee for about 30 minutes of clause-by-clause consideration. Thirty minutes. That's been done before, but what was remarkable this afternoon in committee—and I counted them—was that every chair in room 151, the televised committee room, was occupied by civil servants. At first I thought there were only 30 of them because I just did a guesstimate, but then I counted them and there were over 40 in the committee room, every chair occupied, all with their briefing binders and the tabs, their big black leather briefcases and books and papers. When I went and took a look outside, there was another dozen at least, if not more, waiting outside. There were over 50 civil servants. I figured roughly, doing some rough calculations, you had around \$3 million a year in salaries there of civil servants sitting inside and outside the committee room for about 30 minutes of clause-by-clause consideration.

This is supposed to be a red tape bill? Those 50 civil servants couldn't have introduced themselves in the 30 minutes the government allowed for clause-by-clause consideration. One of the government members—I of course felt compelled to mention to government members this huge number of civil servants, at great cost to the taxpayer. From a government that purports to be the friend of the taxpayer, I saw this huge flock of civil servants inside and outside the committee room. I felt compelled to mention it to the government members, and the response was, "Well, they're here in case you have any questions to put to them," all with their own area of expertise in view of the fact that the omnibus bill covered so many different pieces of legislation in so many different policy areas.

It was a little embarrassing, I suspect, for the civil servants. It also marred what otherwise would have been a productive day, I'm sure, for most, if not all of them. And it was downright silly to watch; again, an illustration of a government that says one thing and does another, an illustration of a government that really may have lost the direction it might have had, if it had a direction. I'm sure it did back in 1995. Oh, it had a direction all right. But the rudderlessness of the government is illustrated in so many other ways.

1850

Here we have supposedly, finally, a new Consumer Protection Act for the province of Ontario. I went

through it at some length last time we were talking about it. I did. Most of it's recycled legislation—same old, same old, a little bit of fine-tuning and refining. But when you look for any sort of core of real, meaningful consumer protection that's new, even if it's not new in other jurisdictions, for instance concepts around plain language in contracts, concepts around print size so that an increasingly aging population can in fact read what they're signing, there was nothing, not even what have become some of the most basic consumer protection issues in—even jurisdictions, quite frankly, leading jurisdictions in the United States. So the bill is pretty much, at this point—a part of me would love to say, "Why should we support the bill? We should vote against it." Yet at the end of the day the bill in itself is benign, but benign to the point where it becomes offensive. If this is the government's kick at the can when it comes to consumer protection, when the story is finally told, there isn't a whole lot of regard for consumers there because the real test comes down to the ministry itself.

My colleagues in the NDP caucus and I over the course of the last several years have had time, from time to time, have had the occasion, to call that ministry to get information about a consumer protection issue, to report what we believe might have been a violation of the existing consumer protection legislation, to get information about appropriate standards or whom we might call to conduct an investigation, and we find a ministry, the Ministry of Consumer and Commercial Relations, the new ministry name now—perhaps it should be named, because it's certainly not the ministry it used to be.

It's a virtual ministry. It has privatized the biggest chunk of the regulatory function that it originally historically had done. It has participated, not entirely inappropriately in many circumstances but entirely inappropriately in others, gone the road of self-regulation of any number of bodies and groups. As I say from time to time, a self-regulatory regime is desirable at other times, but when public safety is at risk—you've had occasion to talk about this yourself; other members of the NDP caucus certainly have—it is probably inappropriate to promote self-regulation. Self regulation/privatization has never demonstrated itself to be in the public interest but very much in the service of private interests.

What is the number one consumer protection issue out there in Ontario right now, November 2002, and will be for some good chunk of time yet? It's folks like the folks down where I come from in Niagara Centre, Welland, Thorold, Pelham and south St Catharines who are being shafted royally on their electricity bills, who are getting ripped off, scammed, conned by door-to-door private electricity peddlers. If they weren't being gouged by them, they were being gouged by their own government: debt repayment on an asset that they weren't going to own any more; taxes on debt repayment; and electricity prices that skyrocketed through the roof. The biggest hoax that could ever be perpetrated on consumers is the McGuinty-Eves solution of rebates. What's going to happen is that taxpayers are going to be paying them-

selves, out of their own pockets; paying from, or borrowing from, Peter to pay Paul. Taxpayers are going to be called upon to subsidize the private profits of private sector for-profit electricity generators.

Taxpayers are going to be called upon to contribute public dollars, which are oh, so sorely needed by way of investment, be it in education, be it in health care, be it in—well, earlier today there was a pathetic announcement by the Ministry of Community and Social Services, a pathetic announcement regarding funding for IBI treatment for kids with autism, funding that isn't going to be provided in its entirety until five years is transpired, funding for IBI treatment that is not going to address the huge waiting lists of young boys and girls now across this province, like kids in every one of our constituencies, every one of our communities, be it the youngsters down in Niagara Centre that I have talked about, be it kids in the Hamilton area that you've talked about, be it young people that Shelley Martel or any one of our caucuses talked about day after day after day it seems in this Legislature, whose families are paying out \$25,000 and \$30,000 a year or more for privately funded IBI treatment because, you see, the waiting list is simply too long. You're only good on the waiting list until you're six years old because the treatment is available only to kids under six.

So what we've seen over and over again is kids on that waiting list for a year, two years, three years, and then their folks realize that child is turning six years old and won't be eligible for treatment anyway, even if he or she has sort of climbed up the ladder on the waiting list. Those families then have to dig into their own pockets. Those families have exhausted their resources, second and third mortgages on their houses; they've borrowed. We talked about a family just a while ago that was selling the family home for what little equity there was in it, in a desperate move to ensure that their kid has access to IBI treatment.

You see, the real issue shouldn't be an argument over the adequacy of funding. The real issue is whether or not it is proper for the Ministry of Community and Social Services to be funding this IBI treatment with the envelope-style funding that they've employed. In British Columbia the matter has been litigated and the British Columbia courts have determined that, yes, IBI treatment is medical treatment that young people should have access to under OHIP.

It shouldn't be a matter of a waiting list, it shouldn't be a matter of how much money there is in the envelope this year so that maybe 40% or 50% of the kids who need the treatment, whoever is lucky enough to be there first in the lineup, get it. It should be a matter of regarding autism as a medical condition that requires appropriate treatment, IBI being that appropriate treatment that can have huge positive impacts. But this government, rather than facing the issue, facing their responsibilities, rather than accepting responsibility, treats these kids and their families with disdain, contempt. I find that a sad, sad scenario.

We know now that this government has to scramble to find anywhere from 500 million to a billion bucks a year out of its public coffers to perpetrate the scam of its phony hydro rebates, to use public money for private profits. I can't help but think and believe that the money that could have gone to ensure that every child in this province with autism gets IBI treatment, the money that should have gone to that, is being rerouted by this government in a pathetic Band-Aid exercise to cover up its privatization deregulation monster.

And that is sad, sad indeed. Kids aren't getting IBI treatment because this government is still hell-bent on privatization and deregulation, wants to use those scarce tax dollars not to treat those kids, not to give them access to IBI treatment, but to effect a phony rebate scheme that will do nothing to lower the price of private, deregulated electricity, that will do nothing to halt its agenda of privatization and deregulation of Ontario Hydro. There is no protection for those people in this legislation. There's not even a hint of sympathy from these government members.

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Last week was constituency week. We were in our constituencies. I was with Mayor Cindy Forster down in Stevensville visiting CAW workers northwest of Fort Erie, locked out of their plant—Ronal—a small workforce: done a good job, not particularly high-paid. At the bargaining table their requests of their employer were relatively modest, but they got locked out by a German-based boss who wants to bust the union just before Christmastime. You see, the workers simply want to get back to the bargaining table, and that German-based operator of Ronal wants to starve these people out as we enter the winter months with new household costs like heating bills and with a family occasion like Christmas coming. So these CAW workers are out there on a picket line—not a whole lot of trees or buildings down there in Stevensville to harbour them from the cold wind.

The question to be put is, where is this government when it comes to protecting the workers at Ronal, or the workers at Atlas Steel down in Welland, whose corporate owner has told them they're going to be shutting down the 10-1 mill, with a loss of anywhere from 150 to 200 jobs? Where's the protection for those people?

Over the course of the weekend, Speaker, I was out with some friends of yours, some workers, some trade unionists, auto workers and others down in St Thomas—Talbotville—kicking off their campaign to restore anti-scab legislation here in Ontario. You see, the reason bosses like Ronal know they can lock workers out—let me be a little more specific: Ronal makes those custom mag wheels, again an incredibly good product, due in every way to the skill and commitment of the workers. As a matter of fact, they had the contract for the production of the wheels for the new Volkswagen Beetle that was very popular. They're now making wheels for the Ford F-150 truck, a very popular seller. But Ronal wants to crush that union and make them compete with low wages from eastern Europe or Mexico. So the kinds

of jobs the Ronal workers or the Atlas Steel workers have, value-added manufacturing jobs, wealth-creating jobs, are incredibly important, not just to them and their families but to our economy.

Oh, I've heard the stuff coming from this government, from some of the local Tory members down in Niagara about the new jobs in Niagara. Well, let me tell you this: you don't buy houses and cars with the salary or hourly wage you make in the service industry or in the hospitality industry. A whole bunch of members of the hotel employees' and restaurant employees' union down in Niagara Falls told me that a couple of nights ago when I visited them, as they're in the midst of contract negotiations with the Sheraton Foxhead and the Hard Rock Cafe. You don't send kids to university, least of all with the deregulated tuitions of this Conservative government, on the salaries you make in the service industry or the hospitality industry or quite frankly in the call centre industry.

Those jobs are important, not just to those workers but to our economy, and this government has shown no interest in protecting those workers. This government, this Premier, has shown no regard for the important role those workers, be they the locked-out Ronal workers, be they the Atlas Steel workers at threat of losing their jobs—a very realistic threat, I might add. This government has shown no interest in protecting them.

I was out in Talbotville at the kickoff of the CAW's restoration-of-anti-scab-legislation campaign. One of the things that was noted was that during the period of time when the NDP's anti-scab legislation existed in Ontario, there were fewer strikes or lockouts and they existed for a far shorter period of time because scab labour wasn't an alternative for the boss. That meant there was serious negotiating at the bargaining table and that meant that differences got resolved and contracts got signed.

This government—nor quite frankly the Liberals—appears to be particularly interested in protecting our workers, our good, hard-working men and women here in Ontario, from scabs stealing their jobs. The New Democrats care. The New Democrats will stand there with those workers. New Democrats remain committed to anti-scab legislation here in the province of Ontario.

New Democrats remain committed to maintaining and restoring the value-added manufacturing jobs, the high-wage jobs that make this economy historically—although we have seen that historical role eroded significantly during the course of the last seven years of Conservative rule—a prosperous one, where that prosperity is shared and where there is a working middle class.

This government is hell-bent on destroying the working middle class. There is nothing coming from this government by way of policy or agenda or legislation that constitutes any protection for that working middle class, for the high-wage worker who earns decent wages but works darned hard to do it, pays good taxes, fair taxes, and builds schools, hospitals and other public things that everybody shares and enjoys.

I suppose New Democrats will vote for this bill at the end of the day. As I say, it is relatively benign; it's

benign perhaps to the point of offensive. This bill's failings illustrate the failings of this government when it comes to protecting the interests of real Ontarians.

The Acting Speaker: The floor is now open for further debate.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): It's my pleasure to speak today in support of the proposed Consumer Protection Statute Law Amendment Act, 2002, Bill 180.

As you know, the bill introduced on September 26 proposes to consolidate six core consumer protection laws, including three proposed sector-specific statutes, into a single act, cutting red tape, bringing more clarity and consistency to Ontario's consumer protection rules, and encouraging a level playing field for businesses.

The bill, if passed, would extend consumer protection to services as well as goods. The service economy has grown to the point where almost half of our transactions involve services; for example, cable, cell phones, lawn care, home repairs. This legislation would make certain consumers are protected in these transactions. It would extend to protect leases. Leases used to be almost exclusively business-to-business arrangements, but now many consumers lease items such as cars and computers.

This legislation would ensure that consumers know the true cost of these leases. It would require clear disclosure. Many unscrupulous operators hide important information in fine print or use ambiguous language that is hard to interpret. The proposed consumer protection act, 2002, would help combat this by requiring that information be disclosed clearly and prominently, not hidden in fine print.

The proposed legislation also specifies that if the language in a contract provided by a business is ambiguous, it would be interpreted in the interest of the consumer. While it is always important for the consumer to read the entire contract before signing it, this provision would put less of the onus on the consumer to read the fine print, and require the business to be clear and up front.

It would also extend protection to the Internet. The Internet has grown tremendously in recent years, providing incredible speed and convenience and revolutionizing the way we do business. Three years ago, the ministry didn't even track consumer complaints about Internet transactions because there were so few of them. Now we receive about 250 complaints per year. Many consumers are still not confident in the safety and security of on-line shopping, creating a barrier to the growth of e-commerce.

The bill would extend the protections enjoyed by those who shop in their local stores to those who shop on the Internet. For example, it would require a contract for Internet sales, which could be in the form of an e-mail, which the consumer could retain just like a regular paper contract. The regulations under the bill would strengthen disclosure requirements so that consumers have more information to make a more informed choice.

For example, the vendor would be required to list a bricks-and-mortar address so that the consumer would

know if the business they are buying from is located across the street or around the world. It would allow consumers to use the same common sense they use when making purchases in a shop.

We want to make Ontario a trusted destination for e-commerce. When Ontario is more widely recognized as a secure place to do business on-line, consumers will be more confident in shopping on Ontario-based sites, and more Internet business would be encouraged to set up in this province.

It would invalidate the negative option billing. Many consumers have complained about the practice of negative option billing. This occurs when you are billed for a good or service simply because you did not contact the business to opt out of it. This proposed legislation would require positive consent.

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Combining the six consumer protection statutes into one would also make it much easier for consumers and businesses alike to understand and follow the law. The bill also includes proposed changes to three sector-specific laws—the Real Estate and Business Brokers Act, the Travel Industry Act and the Motor Vehicle Dealers Act—that would strengthen the regulation of some of the most significant purchases most consumers ever make: vehicles, homes and travel. These changes would provide supportive tools to regulators of the travel, real estate and automobile industries. Currently, these industries are regulated by the following delegated administrative authorities: the Real Estate Council of Ontario, also known as RECO; the Travel Industry Council of Ontario, also known as TICO; and the Ontario Motor Vehicle Industry Council, OMVIC.

The Real Estate Council of Ontario registers real estate agents and provides educational programs for professionals as well as public information for consumers. If passed, the proposed Real Estate and Business Brokers Act, 2002, will arm RECO with a code of ethics in the regulations to help further promote a currently booming real estate industry.

TICO performs functions delegated to it, including registering travel professionals, investigating any consumer complaints and operating the industry-sponsored Ontario Travel Industry Compensation Fund. If passed, the proposed Travel Industry Act, 2002, will assist the Travel Industry Council of Ontario in performing regulatory functions assigned to it, in order to help cultivate a stronger travel industry.

The Ontario Motor Vehicle Industry Council is a delegated, not-for-profit organization that administers Ontario's Motor Vehicle Dealers Act. If passed, the proposed changes to existing legislation would provide OMVIC with stronger rules specifically pertaining to disclosure and enforcement to help foster the growing motor vehicle industry.

I would like to take a moment to talk about the incredible growth in the real estate industry that makes it vital that this proposed legislation come into force, as more and more resale homes are bought and sold in this

province. We know that the Ontario population is getting older. In this quarter century it's estimated that the number of people aged 65 and over will double from about one million in 2000 to approximately two million in 2026. These facts tell us that a lot of existing homes are going to be bought and sold as consumers' needs and wants change over time.

Already the sales figures are very impressive. The Toronto Real Estate Board reported the most sales ever for the month of September this year. In the Toronto area alone in that month, 5,846 homes were sold through the Multiple Listing Service, MLS, system. That's up 16% from last year, a major increase in the demand for the services of real estate professionals. Part of the reason for pursuing this proposed legislation is that our government wants to assure the high standards of real estate and business brokers, so that Ontario's consumers will continue to live in homes they enjoy.

The government has worked with consumers and with entrepreneurs in the real estate industry to help make Ontario the best place in North America to live, invest and raise a family. Modernizing Ontario's Real Estate and Business Brokers Act to meet the needs of the people of Ontario is part of the government's plan for the ongoing support of a vital industry and the continuation of a tradition of excellence in providing protection for Ontario's consumers.

While the real estate market is booming, the travel industry is trying to pick itself up after an unfortunate rough patch over the last year or so. Due to the difficulties experienced by the travel industry since the tragic events of September 11 and the bankruptcy of the Canada 3000 group of companies, the Ontario government brought in accelerated reforms.

Our government acted to support consumers and industry business alike. The changes announced in January this year were designed to enable travellers to access the Ontario Travel Industry Compensation Fund directly and allowed for an increase, from \$3,500 to \$5,000 per event for each individual, in claim limits for the failure of an airline or cruise line. Our changes also provided for claims that resulted from any event that occurred in the six months prior to September 11, including the failure of Canada 3000, to become eligible for payment from the fund. These changes have a double objective: to help consumers regain their money in the event of a failure and to help prevent travel agents from being bankrupted by consumers' claims.

These recent changes also help travel agents by permitting agents who reimburse consumers or arrange alternative travel at their own expense to claim reimbursement from the fund. Making the industry-sponsored compensation fund directly accessible to consumers for such situations helps the travelling public and supports an important sector of the economy. That is why we have proposed amendments to the Travel Industry Act in Bill 180. The proposed changes would harmonize provisions for inspection, investigation and enforcement with those in other registration statutes,

support industry growth and, finally, further protect consumers.

Proposed changes to the Travel Industry Act include strengthening the legislation underpinning the Ontario Travel Industry Compensation Fund. In current consumer law, the compensation fund exists through regulations, but in the proposed amendments to the Travel Industry Act in Bill 180, known as the Consumer Protection Statute Law Amendment Act, 2002, the fund would be entrenched in the statute itself. Bill 180 would also give the registrar the power to deal with false advertising more strongly than the current legislation allows. For example, if a travel agent advertises a trip special that promises beachfront accommodations but delivers property that is close to the beach but has a line of condos between it and the water, the current legislation could address this by allowing the regulator to order that the advertising be stopped. False advertising would become a specific offence for travel businesses under Bill 180, thereby promoting consumer protection and fair competition between businesses. The proposed changes to the Travel Industry Act in the Consumer Protection Statute Law Amendment Act, 2002, would permit the registrar to order the correction of the ads, and the registrar could request that future ads also be submitted for review and approval prior to release.

Another key component proposed to the Travel Industry Act in Bill 180 is the importance of ensuring that fines are paid. The proposed changes include the ability to report any unpaid fine to a credit bureau. Consumers who make travel arrangements and purchases through registered travel firms enjoy strong protection. The proposed changes to the Travel Industry Act in the Consumer Protection Statute Law Amendment Act, 2002, would also address the importance of using an Ontario-registered travel agent. The proposed changes are meant to crack down on unregistered travel agents.

Another important area I'd like to talk about is time-shares. Many scams cause serious financial loss for victims. This is often the case with victims of unscrupulous time-share or vacation home sellers. Time-shares is another area that the proposed Consumer Protection Statute Law Amendment Act, 2002, would address. Consider this scenario. A couple attends a time-share presentation and is bombarded by promises of a glorious location, access any time they want etc from a very aggressive salesperson. Exasperated, they agree to buy. They make a \$2,000 down payment and commit a further \$8,000. The next day, they read the contract in greater detail and realize they won't be getting the location or time entitlement they had understood they would get based on the sales presentation. They try to cancel the purchase, but the seller refuses. They hire a lawyer to help them out, but after paying \$1,200 in legal fees, can no longer afford to fight the claim.

Under current consumer law, time-shares are not defined and consumers do not have cooling-off rights. Under the proposed Consumer Protection Statute Law Amendment Act, 2002, time-shares would be clearly

defined and consumers would gain a 10-day cooling-off period within which they could reconsider their purchase. This would help those who have been caught off guard by high-pressure sales tactics.

In the real estate, motor vehicle and travel sales sectors, Bill 180 would provide greater enforcement powers to shut down deceptive practices and discipline the perpetrators as well.

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Under the proposed legislation, there would be authority to establish a code of ethics for these industries, as well as a discipline committee and an appeals committee. Registrants found to be in breach of their code of ethics could be fined up to \$25,000 or a lesser prescribed amount. Broader enforcement powers would be available to address contraventions of these requirements, including compliance orders, restraining orders and orders to cease false advertising.

Because automotive spending is one of the largest sectors of consumer spending, and an important part of the Ontario economy, significant changes to the Motor Vehicle Dealers Act have also been proposed in Bill 180. If passed, it would be mandatory for automotive repair shops to give consumers estimates before charging for their work, whether consumers request them or not. If they fail to do so, the shop would not be able to charge for repairs done unless the consumer authorizes, in advance, a maximum amount they would be willing to pay.

The proposed Bill 180 would also provide better protection to the many consumers who lease their personal vehicles by providing for more information on the final cost of leases. If passed, the Consumer Protection Act, 2002, would bring rules regarding 30-day delivery and a 10% estimate cap to fruition so that consumers in today's competitive marketplace can enjoy increased protection.

A 30-day delivery rule is proposed so that if a good is not delivered or a service has not started within 30 days of the delivery or start date in the contract, the consumer is entitled to cancel the agreement.

A 10% estimate rule is proposed so that the consumer should not be charged more than 10% above the amount estimated in the consumer agreement. Such a requirement already exists for motor vehicle repairs; this bill would extend it to all sectors. This proposed 10% rule would make it easier for families who are trying to budget for big-ticket purchases such as home repairs.

Bill 180, as a whole, includes some key provisions. One of them is disclosure. The proposed Consumer Protection Act, 2002, would require that information for general goods and services purchased be disclosed clearly and prominently, not hidden in fine print. It would also specify that if the language in a contract provided by a business is ambiguous, it would be interpreted in the interest of the consumer.

The new remedies and enforcement options proposed in Bill 180 are: (a) increased maximum fines for a person who is guilty of an offence under the proposed Consumer

Protection Statute Law Amendment Act, 2002; and (b) maximum fines would increase from \$25,000 to \$50,000 for individuals and from \$100,000 to \$250,000 for corporations.

Uniform limitation periods for commencing a prosecution would be set at two years for all of the statutes proposed in the bill. This is another example of consistency, because in existing legislation this limitation period varies from six months to three years. The court would be authorized to order that a convicted person make restitution. Under the Consumer Protection Act, 2002, the ministry would have the power to freeze assets and order a business to stop using false or misleading advertising.

In short, Bill 180 would help protect consumers by ensuring that they have enough information to make informed decisions and by providing clearer laws so that consumers and businesses know their rights and obligations.

This proposed bill was developed to be fair to consumers and businesses, to be easy to understand and enforceable and to be flexible enough to stay current in our changing world.

By strengthening protections for consumers in sectors such as travel, motor vehicle and real estate, we are helping businesses, because consumers feel more comfortable spending their hard-earned money in a marketplace they know is safe and secure.

Strong consumer confidence encourages a strong, thriving economy where businesses can grow and create jobs, and that is a major goal of the Ernie Eves government.

In the last little bit of time I have, I just want to say that what we're focusing on here is consumer protection by bringing out a uniform system in terms of how consumers can be best protected in this changing business environment. What we're looking at is uniformity, we're looking for disclosure and we're also looking to actually put forth that legal maxim where the party that prepares the document should not have that contract interpreted in their favour; it should be interpreted against them. That's one of the great protections that this bill is putting forth. It is certainly making sure that the contract would be interpreted in the consumer's favour. On those big-ticket items that families face in terms of motor vehicles, the travel industry and in home purchases, we're putting forth greater obligations on those associations in terms of codes of ethics and requirements on them to monitor their own industry.

With respect to the Internet industry and also dealing with time-shares and home repairs, I think the requirement with respect to the 30-day rule in terms of the delivery of the goods or services is obviously in favour of the consumer. Also, with respect to the 10% figure and what is being quoted to you, that obviously is in the protection of the consumer to ensure that they get a fair price, but also to make sure that they get the goods or services they want, because now this bill is going to deal with services. I think consumers are better protected and better off.

Mr James J. Bradley (St Catharines): I appreciate the opportunity to speak on the issue of consumer protection and, peripherally, on the provisions of this particular piece of legislation. First of all, I would say that when you are looking at a number of areas where people are concerned about being gouged or treated unfairly by others, particularly in businesses, one of the areas we looked to immediately is one that my colleague Bruce Crozier has raised a number of times in this House, and that is those who are retailers of gasoline. Really, they're at the mercy of the wholesalers of gasoline at the pumps in the province. No matter how many times I hear the representatives, the higher-ups in their organizations, tell me that there is true competition in gasoline retailing—and wholesaling, for that matter—I find it very difficult to believe. It's always interesting that, in your community or mine, all the gas prices seem to go up to the same amount. Nowadays, of course, everyone is conditioned to think that 68 cents is cheap, whereas four years ago when the gas busters were around, we would have thought that was very expensive.

So it seems to me that one area where we could be of much more assistance would be that area related to gasoline prices at the pump. I've watched them in my own community. You'll see them at 67.9—it's always at .9 when they start out—then all of a sudden they'll jump to 74.9 and people will wonder what rationale there could be for that. They'll read in the newspaper or hear through the electronic media that the price of petroleum in the world price has gone down, yet they'll see the price going up in their particular community. Where people are particularly vulnerable—that is, where there is not a great choice of gasoline stations—again, we see some drastic increases, and those prices are often sustained. Anyone who tries to tell us there isn't a co-operation at the very least, if not actual price fixing, in the gasoline field simply has no one out there who will believe them.

I know that case is made. And I'll get letters, as will some others who'll speak on this, from the people who are responsible for the gasoline companies. I feel sorry, I must say, for the retailers, the people who actually sell the gas to the consumer, because they are instructed as to the amount to charge for their gasoline. The people who are really in a vulnerable position are the people who are genuine independents that face some unfair competition. All of this is something that is concerning to people who are facing many new, additional and increasing charges for basic needs. We're not talking about frills here; we're talking about basic needs.

Now, I notice this particular bill deals with false advertising, and I'm pleased about that because I have seen emanating from the government of Ontario—I wouldn't say any member of this Legislature, because I would be in contravention of the rules of the Legislature—I have seen government advertising coming from the government that is represented by people on the other side which I would consider to be in a personal sense, as would many people in the province, false advertising. I hope that we could use the provisions of this legislation to in fact challenge that advertising.

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We know that this government has now spent well in excess of a quarter of a billion dollars on government advertising. The latest is to advertise their new policy on hydro. We see the full-page ads in the newspaper. We see the television ads. We'll hear it on the radio. It'll be a multi-million dollar program designed to promote the government's position using your tax dollars—though you are, in another sense, a member of the New Democratic Party when you're not sitting in the chair. Members of the Liberal Party, people who have no affiliation, all must contribute to government advertising costs. That advertising is, for the most part, self-serving advertising, something to make the government look good in the eyes of the consumer or in the eyes of those who are watching the advertising.

Interjection.

Mr Bradley: This is from a government, I say to my good friend from Kitchener, that has a war chest that no one has ever seen. In other words, it is my understanding that the Conservative Party of Ontario has more money in its political war chest than any federal party does at this time. That of course is understandable, because their policies have been geared to the most powerful and the wealthiest people in the province.

Interjection.

Mr Bradley: The payback is the contributions that come in to the various constituency associations and to that huge fundraiser you have in Toronto where you have to open the additional walls of the convention centre so that you can get all those corporate types in to pay homage to you and to thank you for policies which have helped them at the expense of the consumer and the poor in this province. I know everybody on the other side would agree with this, otherwise I would expect during a two-minute response that I would be challenged on this, and somehow I don't think that's going to happen.

I see my friend the Minister of Health and Long-Term Care here with us today. He was a member—you'll remember this—of the gas busters. I remember this group. It was a photo opportunity. Somebody got a Polaroid camera out, took pictures of these people. CFTO made sure they were there; don't worry. Ken Shaw was there to be cheering you on, saying, "Look at the gas busters." The gas busters are out there somehow protecting the consumers. I was surprised to see that the price of gasoline did not come down, that there was a lot of barking that took place, like the dogs snapping at the vehicle as it's pulling away, but I didn't notice the price of gasoline come down. My friend Bruce Crozier tells me there was a report that came forward and some recommendations on what the provincial government could do in terms of gas prices, but—

Mr Bruce Crozier (Essex): It's gathering dust.

Mr Bradley: It's gathering dust, he tells me, at the present time.

I know those who were members of the gas busters team will be deeply disappointed that all of their photo opportunities and all of their hard work—because I know

they worked very hard at getting those photo opportunities set up—turned out to do nothing for lowering the price of gasoline in this province. It was simply a public relations sham that a few media outlets fell for.

Hon Brad Clark (Minister of Labour): Name names.

Mr Bradley: I can't name names because I don't want to offend those media outlets, but I can tell you there were some of them that fell for it, and others who didn't. But it was a good photo opportunity. If one wants to sit on this side of the House and say, "Do you think that was a good public relations idea?" you'd have to say, if you wanted to be fair, "a good public relations idea." It produced nothing, but it did have some nice photos, and I'm sure in the constituency newsletter of the gas busters they were all there to protect the consumer. And yet the price of gasoline is consistently now above—except for today, when it got lowered for some reason—70 cents a litre.

This bill is not going to solve that. This government has steered clear of that. The barons of the oil industry are saved from any sharp teeth to be found in this legislation, although I have to say, and I'm a very fair-minded person, there are some provisions in this bill, in fact many provisions, with which I would find myself in agreement. I think there would be a consensus on it in this House. We might ask why this government didn't do it six years ago, which does beg another question I won't ask. They were probably contemplating it but never got around to doing it.

Interjection.

Mr Bradley: Well, it took somebody from the Niagara peninsula to do it, which it always does, I have to say.

Insurance rates: it doesn't seem to deal with skyrocketing insurance rates. Not only automobile insurance—and that's going up considerably—but other forms of insurance are going up under the pretext, I am told, of the unfortunate incidents of 9/11—the disaster that happened, the terrorist acts in New York and Washington. One has to wonder how many in the insurance industry are using that as a reason to jack up the rates, and how much of it is legitimate. From time to time—for instance, if you have an ice storm and there are a lot of payouts from that—I understand that you may see some premium increases as a result. I'm not being an unreasonable person, but the suspicion is always in the back of our minds that somehow this is going to increase.

Now I know how the government is going to deal with the automobile situation. They will simply decrease benefits to bring down the price of automobile insurance. I put that out there because I think there are a lot of people who are living on the margin and require an automobile who are finding it difficult. They have to have much larger deductibles. Some may even be encouraged, and shouldn't be, because it would be very wrong—but I have been reading about people who don't even have automobile insurance in some cases. Most of us here might find that reprehensible. But there are people out there in that predicament, and others end up paying that tab.

I think of another situation this doesn't protect. It doesn't protect the patients in this province from some of the charges that are being levied against them because of the delisting of services provided under the Ontario Health Insurance Plan. For instance, patients sometimes have to pay for forms that doctors fill out. It is probably much better for doctors to be able to charge that against OHIP, a legitimate cost against OHIP, than having to charge individual patients for that particular service. There are other charges now, the PSA tests for instance, the prostate specific antigen—Hansard will pick that up—test. It costs \$20 at the present time, and there are many people who are concerned about that particular cost. I thought the Minister of Consumer and Business Services might have tried to include that in his bill by doing a bit of an end run around the Minister of Health, but he has not been able to do that.

I look at these kinds of charges that are not covered by this legislation. Perhaps the Minister of Health, when he has some pangs of conscience, will want to ensure that people are compensated for those costs, which are incurred through no fault of their own. It isn't as though they've gone out to purchase something; these are essential services this government has delisted. While wealthy people can afford it, those who are at the lower end of the pay scale or are on fixed incomes have a difficult time with it.

I wish I could fit ambulance dispatch service into this somehow, but I don't know if I can, other than to say that people who have to take ambulances have to pay a user fee for those ambulances. This does not protect them against that particular user fee. Often it's very onerous on them. You and I know, Mr Speaker, because you represent an area that's had problems with ambulance dispatch as well, that that problem is far from solved at the present time. It has been alleged that there are people who have actually died because an ambulance has not arrived in time. The poor people working in the dispatch centre are working under very, very difficult circumstances: antiquated equipment, a workload which is far too high, often training which is not adequate and often lack of compensation that would keep people there in a stressful job for a period of time. This bill does not protect that particular service.

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Another thing I'm worried about—I want to put this bug in the minister's ear. I suspect this is happening—you heard it first here; actually you heard it first in the committee. I think this government is secretly preparing to get into the business of Internet gambling. I really happen to think that's the case.

Hon Tim Hudak (Minister of Consumer and Business Services): Is Mike behind it?

Mr Bradley: No. The new minister will now be behind it. I noticed when I was sitting in my impartial position as Chair of the government agencies committee when we were reviewing people who are coming before us, I think the last two people appointed to—you would know the name. It is the gambling commission, or the

gaming commission, as you call it. I call it gambling. Both have had some expertise in the field of Internet gambling, and I think this is the next initiative. This government is now desperate for money because you have to pay all those rebates after you totally bungled your policy related to—

Hon Mr Clark: You believe in the X-files, do you?

Mr Bradley: —totally bungled your policy related to hydro. You're going to need some money now and I suspect that what you're going to do is find yet another way to bleed money out of the most vulnerable people, the most desperate people, and that's those who are often addicted to gambling and can easily avail themselves of gambling opportunities, thanks to this government at this time.

I really wonder about the family coalition over there. The family values crowd that I remember used to speak with some authority within the government caucus. The cat seems to have their collective tongue on this one, because those gambling opportunities continue to spread. What I think you need now is a moratorium, that no more communities out there should have these gambling opportunities thrust upon them by this particular government. Just as when I opposed originally the Sunday shopping, it's now of course a fact of life. Virtually everybody is Sunday shopping. I have even shopped on Sunday.

Interjection.

Mr Bradley: I have. I must confess to that. I have found that all the issues I thought the family coalition over there stood for—Bill isn't one of them; he's not one of the family coalition. But I'll tell you, a lot of the people there who portrayed themselves as the family values crowd have had to rethink their position as members of this government.

One thing I will say is that those of us on this side were successful in preventing you from doing what you really wanted to do, and that is put video lottery terminals, the crack cocaine of gambling, into every bar and every restaurant and every corner store of every hamlet and village and town and city in the province of Ontario. We prevented that from happening. You wanted to do it. There was a lobby group out there that was in favour of it. You wanted to do it and it didn't happen.

Once again you see the pressure of the opposition coming to bear on the government, just as we forced you

to give funding now for Visudyne treatments, even though you haven't done it properly. It's still skewed so that people have to pay a lot themselves. But you were forced into that. Today I see that you were forced into assisting another group: children with autism. The minister made an announcement after a barrage of criticism from the public and the opposition.

Mr Bill Murdoch (Bruce-Grey-Owen Sound): This would mean that you should stay in opposition.

Mr Bradley: My friend Bill is in opposition—on the government side, but he's in opposition. I don't think we'll have to do that, Bill. You are from time to time—at least back when you were in Owen Sound, in that part of the province—very independent-minded with this government. When you get down here, you're a bit of what we call a government man. But when you're up there you do a great job.

I wanted to say a couple of good things about the bill too. I think the telephone solicitation provisions offer some help. I think the door-to-door provisions, the cooling-off period, certainly offer some help.

I know the Niagara group that is part of the realtors' association had some concerns about the bill. They probably directed those concerns to the minister, who no doubt would have given them fair consideration.

I see under "Officers, directors" the word "may" used, and that concerned me. It says, "the director may disclose the name of the defaulter" and the director may also create a lien against the property. I would have thought "will" would have been superior to "may," but perhaps earlier when the minister spoke, he gave a reason for that.

So all in all, I think the bill falls considerably short of what it should be. Union Gas customers and the Ontario Energy Board, of course, are good examples of that. I see that you've attacked Floyd Laughren, the former NDP finance minister, when everybody knows you appoint the Ontario Energy Board and you set the rules for the Ontario Energy Board, and then you attack it.

But there is sufficient in this bill, I think, that even I could support this legislation. I know my friend the minister will be delighted to hear that.

The Acting Speaker: By previous order of this House, I now declare this House standing adjourned until tomorrow at 1:30 pm.

The House adjourned at 1946.

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of Ontario**

Third Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 19 November 2002

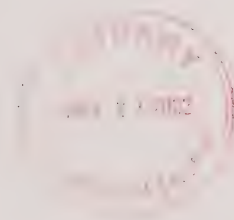
Mardi 19 novembre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 19 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 19 novembre 2002

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

PREMIER OF ONTARIO

Mr Rick Bartolucci (Sudbury): The Premier of this province is going to be making a visit to Sudbury this coming Thursday for the annual PC fundraiser. We welcome him to Sudbury because it's the first time he will have been there since he became Premier. The people of Sudbury are going to want to know from this Premier why he would not meet with the Crash 69 committee to discuss the appalling state of Highway 69; why he won't meet with people like Ron Henderson, who has lost his sister and his twin nephews; why he won't meet with people like Rita Pulici, who lost her son; why he won't meet with people like Mario Grossi, who lost his mother and two cousins.

The people of Sudbury also want to know why the Premier, the Minister of Transportation and the Minister of Northern Development and Mines have not taken advantage of the Canada strategic infrastructure project to make Highway 69 from Sudbury to Parry Sound the number one priority. In fact, if this government thinks that the people of Sudbury will be fooled by their rhetoric, you're sadly mistaken. We want the Premier to come to Sudbury, commit to a start date for Highway 69 four-laning from Sudbury and give us the timeline for the entire project, and then we want him to show Sudburians the letter he sent to the federal minister asking the federal minister to make this project the number one priority of this particular infrastructure program.

ALLISTER JOHNSTON

Mr Norm Miller (Parry Sound-Muskoka): I rise today to recognize an extraordinary individual, Allister Johnston, on the occasion of his 94th birthday. Mr Johnston's commitment and dedication to both our province and our country have been unwavering. He served our country proudly, retiring from the Canadian army in 1945 with the distinguished rank of major. During World War II, Major Johnston served as the commander of the north armoured regiment, the Algonquins.

Following his service in the armed forces, Mr Johnston founded an insurance company in South River, which is still operated by his two sons, John and Peter.

Among his many endeavours, Allister Johnston was a municipal councillor, the chairman of the South River school board and a past president of the Canadian Legion.

Mr Johnston was also elected as MPP for Parry Sound in 1948 and served his constituents with dedication and enthusiasm for 24 years. In 1964, Mr Johnston was appointed to the Ontario Northland Transportation Commission. To the railway's employees he was affectionately known as "Major Ally." His many accomplishments include spearheading the expansion of the successful Ontario Northland communications division.

Mr Johnston is predeceased by his wife, Margaret, and together they have three children, John, Lynne and Peter.

Allister Johnston resides with his daughter, Lynne, and remains active in his community. I would like to stand and congratulate Mr Johnston on reaching this significant milestone and express my appreciation for his contributions over the years to his community, our province and the country.

VISUDYNE TREATMENT

Mr James J. Bradley (St Catharines): In May of this year, the Ontario Minister of Health, after months of questioning in this Legislature and horror stories in the media forced him to capitulate to demands to meet the needs of individuals afflicted with macular degeneration, finally announced that funding would be provided from the Ontario government for the treatment known as Visudyne. What the minister neglected to mention in his announcement was that the new policy included strict eligibility criteria that effectively exclude 80% to 90% of the patients who are candidates for the treatment.

A 53-year-old resident of St Catharines who suffers from macular degeneration was informed that she does not qualify for funding from the Ontario government because her affliction is not age-related, even though she will have to endure the same sight loss that someone of a more advanced age would experience.

What the minister left out of his announcement was a stipulation that potential candidates must have 50% membrane loss in order to be eligible for the Visudyne treatment. In effect, this means that patients in Niagara and across the province must suffer from this debilitating disease until their eyesight reaches a so-called acceptable state of disrepair.

I call upon the Minister of Health of Ontario to change his unfair restrictions on macular degeneration patients and allow them to receive treatment in a timely fashion,

and to reimburse those who have received treatment in the past and have had to pay for it from their own pocket.

DOCTOR SHORTAGE

Mr David Christopherson (Hamilton West): The Eves government is directly responsible for the severe doctor shortage that is jeopardizing the lives of people all across Ontario.

Hamilton is one of the largest cities in this province, and our citizens have been especially hard hit. On December 9, two more doctors from the Hamilton area will be retiring. One doctor alone serves more than 1,500 patients. Many patients are seniors with chronic health problems who require the ongoing services of a family physician. They've tried to find a new doctor in Hamilton and they've tried to find a new doctor outside Hamilton, but the reality is that doctors simply aren't accepting new patients.

Incredibly, at the same time as thousands of patients in my community need a doctor, there are 3,000 internationally trained doctors living in Ontario who are willing to work. It is unbelievable that the Eves government has allocated only 10 spots for family medicine and only three out of a possible 10 candidates have been accepted to fast-track into family medicine.

Flu season is upon us, and this winter hundreds of sick kids and frail seniors will be forced into already overcrowded emergency rooms in Hamilton. Your incompetence is pushing an already dangerously overloaded health care system to the breaking point.

Timely, effective medical services are the very heart of our medical system. No one should be without these life-saving services. Stand up today and tell the thousands of seniors and families in Hamilton who need a doctor today how you're going to resolve this crisis.

SAUBLE SANDPIPERS

Mr Bill Murdoch (Bruce-Grey-Owen Sound): I rise in the House today to recognize a long-standing club in my riding, since 1977, the Sauble Sandpipers seniors club. I would like to congratulate president Marjorie Lipka and all the countless volunteers who make up this outstanding organization.

I had the pleasure of attending their 25th anniversary in October. The organization works countless hours to help the different causes in our area and is made up of over 160 members. The committee members and volunteers are to be commended for their hard work and dedication throughout the year in preparation for the various events.

Over the years, the club has generously supported all the area hospitals, as well as many other community groups requesting funding. They have supported the Salvation Army, the daycare centre and recently donated \$6,000 to the local fire department for a new truck.

The Sandpipers hold two large craft shows a year and a smaller Christmas craft show that supports the Sandpipers club and the lawn bowling club.

The association is to be praised for their ongoing contribution and dedication to local initiatives. A project they have recently taken on is offering full support to the new medical clinic in Sauble Beach. They are also hoping to make repairs to the local community centre they use, where they play bridge, shuffleboard and euchre.

This is an excellent, much-needed organization in our area, and I'm proud to be able to partake in their events. Again, I congratulate the Sauble Sandpipers on their 25th anniversary.

1340

SCHOOL BOARDS

Mr Bruce Crozier (Essex): The Windsor-Essex Catholic District School Board has petitioned the Ministry of Education for \$140,000 in emergency transportation funding to cover unexpected increases. The Greater Essex County District School Board is over-budget on transportation by about \$90,000.

The boards have done everything they can. They've staggered school hours. They've shared all the bus routes possible. Minister of Education, last June's budget stated that your government was committed to "investing an additional \$20 million to assist with student transportation costs and support the development of a new approach to student transportation funding that will ensure school boards work together to provide safe and efficient transportation for their students."

These two school boards, along with the Conseil scolaire de district des écoles catholiques du Sud-Ouest, have been leaders in bus route sharing and creating flexible school hours for optimal bus use. Yet they can't make ends meet. School bus funding has been frozen at 1997 levels despite increasing wages and skyrocketing vehicle, gasoline and insurance costs.

You have to put your money where your mouth is, Minister. I insist that you act today to ensure that no school board in Ontario goes without the funding it needs and that every student who requires a bus ride is able to get to school in a timely manner.

POLICE ASSOCIATION OF ONTARIO

Mr John O'Toole (Durham): I rise in the House today to introduce members of the Durham Regional Police Association who are here at Queen's Park visiting members. They are among the many delegates from the Police Association of Ontario attending the sixth annual legislative day. The representatives from Durham region include the association's new president Doug Cavanaugh; vice-president-elect Tom Bell; secretary-Treasurer Mark McConkey; and director Rick Walsh.

It's a privilege to once again meet representatives of Ontario's 20,000 front-line police personnel at Queen's Park. Legislative day is an excellent opportunity to discuss specific concerns such as courthouse security recently in Durham.

Some of the general issues of interest to the Police Association of Ontario, I'm sure, include centralized recruitment, the DNA data bank issue, staffing, funding and of course policing standards. The association also supported Bill 191, the Highway Traffic Act amendment regarding the protection of police and other emergency workers stopped at the shoulders of Ontario's highways in the course of their duties.

I understand the association is also urging the federal government to overhaul their prison and parole systems to ensure there are meaningful consequences for offenders and to reinforce public confidence in our criminal justice as well as youth justice system. In other words, they are calling for an end to the so-called Club Fed prison environment. I'm sure we applaud them for their initiative and efforts and the work the association does on behalf of front-line officers and the communities they serve. I have visited the new provincial jail in Lindsay and can assure you it is anything but Club Fed.

I commend Police Association of Ontario president Bob Baltin; chair, Brenda Lawson; administrator, Bruce Miller; and the board members for all they have done in their organization of this legislative day. I recommend all members who attend to meet with their association to respect the work they do for our communities.

Mr Rick Bartolucci (Sudbury): On a point of order, Mr Speaker: Today I seek unanimous consent to have all members in the House wear the Club Fed pin so that the PAO and all the police forces under that umbrella will clearly know that everyone in this House believes criminals who do a crime should be placed in the appropriate institution to do their time.

The Speaker (Hon Gary Carr): The member has asked if we can wear the pin he referred to today. Is there unanimous consent? Agreed.

Mr Tony Martin (Sault Ste Marie): On a point of order, Mr Speaker: I'm asking for the unanimous consent of the Legislature to support a resolution that the Ontario Legislature oppose the federal government's changes to the disability tax credit and support the Canadian Paraplegic Association's request that the former rules governing the tax credit be restored.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Mr Dave Levac (Brant): I rise in the House today to speak on behalf of Dalton McGuinty and the Ontario Liberals to recognize the Police Association of Ontario day here at Queen's Park. Today the members of the PAO have joined us including President Bob Baltin, Bruce Miller, Brenda Lawson, Jim Mauro, Walter Tomasik and Byron Smith, who met with Dalton and myself earlier today, as well as Len Ellins and Dianne Careswell from my riding of Brant. The three of us grew up in the same neighbourhood in Eagle Place. We welcome them and all PAO members and thank them for joining us today.

We are pleased to have this opportunity to highlight the important work of the Police Association of Ontario. The PAO was formed in 1933 and represented constables

in 25 communities across Ontario. Today, the Police Association of Ontario represents more than 20,000 front-line police officers and civilian members of police services in more than 66 police associations across Ontario. The PAO is the unified voice of front-line police personnel across Ontario and an integral part of policing in our communities.

We just want to stress the importance of our front-line police officers, who put their lives at risk for the safety and security of Ontario families. We want to thank them for their dedication and commitment to policing in Ontario.

We would also like to take this opportunity to thank the families of the courageous officers who support them as they carry out their important work in our communities to keep them safe. It is vital that we recognize the value of these officers who work with the police association and work to uphold the honour of the police profession and elevate the standards of policing.

We also recognize the important role our civilian staff play in keeping our police services running smoothly and effectively, especially communication and dispatch personnel.

Once again, on behalf of Dalton and the Liberal caucus, thank you to the PAO for keeping our communities safe and secure.

DIWALI

Mr Bob Wood (London West): I rise today to draw to the attention of the House that over 350 London area Hindus celebrated Diwali on November 16 with a dinner and show. Diwali or Deepawali, the most pan-Indian of all Hindu festivals, is a festival of lights symbolizing the victory of righteousness and the lifting of spiritual darkness. It commemorates Lord Rama's return to his kingdom Ayodhya after completing his 14-year exile. Twinkling oil lamps, or diyas, light up every Hindu home in India, and fireworks displays take place across the country. The Goddess Lakshmi, the symbol of wealth and prosperity, is also worshipped on this occasion.

The festival also marks the start of the Hindu New Year. At this time, most Hindu homes worship Lord Ganesha, the symbol of auspiciousness and wisdom. Spring cleaning and decorative designs for homes are the order of the day. Family members come together to offer prayers, distribute candies and light up their homes.

Diwali's message of the triumph of light over darkness and of good over evil gives hope and encouragement to everyone. I know that all members of this House will join with me in wishing Hindus across Ontario and the world a Happy New Year and a warm "Namaste."

SPECIAL REPORT, ENVIRONMENTAL COMMISSIONER OF ONTARIO

The Speaker (Hon Gary Carr): I beg to inform the House that today I have laid upon the table the special

report of the Environmental Commissioner of Ontario, entitled *Climate Change: Is the Science Sound?*

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr Norm Miller (Parry Sound-Muskoka): I beg leave to present a report from the standing committee on general government and move its adoption.

Clerk at the Table (Ms Lisa Freedman): Your committee begs to report the following bill, as amended:

Bill 177, An Act to amend the Municipal Act, 2001, the Municipal Elections Act, 1996, and other acts consequential to or related to the enactment of the Municipal Act, 2001, and to revise the Territorial Division Act.

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed? Agreed.

The bill is therefore ordered for third reading.

STANDING COMMITTEE ON JUSTICE AND SOCIAL POLICY

Mr Toby Barrett (Haldimand-Norfolk-Brant): I beg leave to present a report from the standing committee on justice and social policy and move its adoption.

Clerk at the Table (Ms Lisa Freedman): Your committee begs to report the following bill, as amended:

Bill 179, An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain acts and by enacting one new act.

The Speaker (Hon Gary Carr): Shall the report be received and adopted?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1349 to 1354.

The Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted
Baird, John R.
Barrett, Toby
Beaubeien, Marcel
Chudleigh, Ted
Clark, Brad
Clement, Tony
Coburn, Brian
DeFaria, Carl
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda
Eves, Ernie
Galt, Doug
Gilchrist, Steve
Gill, Raminder

Guzzo, Garry J.
Hardeman, Ernie
Hastings, John
Hodgson, Chris
Hudak, Tim
Jackson, Cameron
Johns, Helen
Johnson, Bert
Klees, Frank
Maves, Bart
Mazzilli, Frank
McDonald, AL
Miller, Norm
Molinari, Tina R.
Munro, Julia
Murdoch, Bill

Mushinski, Marilyn
Newman, Dan
O'Toole, John
Ouellette, Jerry J.
Runciman, Robert W.
Sampson, Rob
Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tsubouchi, David H.
Turnbull, David
Wilson, Jim
Witmer, Elizabeth
Wood, Bob

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic
Bartolucci, Rick
Bisson, Gilles
Bountrogianni, Marie
Boyer, Claudette
Bradley, James J.
Brown, Michael A.
Bryant, Michael
Caplan, David
Christopherson, David
Churley, Marilyn
Cleary, John C.

Colle, Mike
Cordiano, Joseph
Crozier, Bruce
Curling, Alvin
Di Cocco, Caroline
Dombrowsky, Leona
Duncan, Dwight
Gerretsen, John
Gravelle, Michael
Hampton, Howard
Hoy, Pat
Kormos, Peter

Kwinter, Monte
Levac, David
Marchese, Rosario
Martin, Tony
McLeod, Lyn
McMeekin, Ted
Patten, Richard
Peters, Steve
Phillips, Gerry
Prue, Michael
Pupatello, Sandra
Ramsay, David

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 48; the nays are 36.

The Speaker: I declare the motion carried.

Pursuant to the order of the House dated Monday, October 28, 2002, the bill is ordered for third reading.

INTRODUCTION OF BILLS

MUNICIPALITY OF CHATHAM-KENT ACT, 2002

Mr Beaubeien moved first reading of the following bill:
Bill Pr12, An Act respecting the Municipality of Chatham-Kent.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Pursuant to the standing order 84, this bill stands referred to the standing committee on regulations and private bills.

Ms Marilyn Churley (Toronto-Danforth): On a point of order, Mr Speaker: I'd like to take this opportunity for all members to welcome members of the provincial council of women who are in the member's gallery today. It's their 79th year of bringing their valuable insight to Queen's Park. We all want to say thank you.

MUNICIPAL AMENDMENT ACT (PROHIBITING USE OF PESTICIDES), 2002

LOI DE 2002 MODIFIANT LA LOI SUR LES MUNICIPALITÉS (INTERDICTION D'UTILISER DES PESTICIDES)

Mr Patten moved first reading of the following bill:

Bill 208, An Act to amend the Municipality Act, 2001 to permit municipalities to prohibit activities or the use of substances to protect the health, safety and well-being of inhabitants of the municipality / Projet de loi 208, Loi modifiant la Loi de 2001 sur les municipalités pour permettre aux municipalités d'interdire des activités ou

l'utilisation de substances afin de protéger la santé, la sécurité et le bien-être des habitants de la municipalité.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Richard Patten (Ottawa Centre): This bill amends the Municipal Act, 2001, to enable municipalities that wish to pass bylaws to prohibit the non-essential or cosmetic use of pesticides on a precautionary basis if the municipality is of the opinion that there is a threat to the health, safety and well-being of its citizens. There is a growing body of evidence that exposure to pesticides can cause acute or chronic effects on health, with children representing the most vulnerable population. I look forward to the debate on this bill on December 5.

1400

ORAL QUESTIONS

HYDRO DEREGULATION

Mr Michael Bryant (St Paul's): My question is for the Premier. The Minister of Energy has been meeting on a regular basis with the chair of Ontario Power Generation. In 1998, Energy Minister Wilson said in the House, "I meet with Mr Farlinger ... every week at a set time, as did my predecessor Norm Sterling, as did my predecessor Brenda Elliott." Your current energy minister confirmed that regular meetings are provided between the energy minister and Mr Farlinger.

I presume that some information is exchanged between the government of Ontario and the chair of Ontario Power Generation. Is it your position, Premier, that at any time the government of Ontario received bad information from Chairman Farlinger?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I'd refer that to the Minister of Energy. I'm sure he'd be happy to answer it.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): When I became Minister of Energy in August 2002, the very next day, my first full day on the job, I went to see Pickering A for myself to underline the importance I place on the issue. We are tremendously concerned with the timetable of the project. We're also tremendously concerned with respect to what the anticipated cost was, versus what the actual costs are.

I received an update on that date and asked for more information, which I received in two weeks' time. I asked for more information, and we had a rather prolonged meeting on that issue.

Mr Bryant: Minister, your parliamentary assistant said last week on TVO, "We"—the government—"had bad information from Ontario Power Generation and I think that has directly impacted the whole supply-and-demand equation on which we originally predicated opening the market."

I asked you yesterday whether you had full confidence in Chairman Farlinger, and you certainly did not answer in the affirmative. Published reports are out today suggesting that bad information was provided by Mr Farlinger to the government of Ontario. If that is not true, it needs to be cleared up now. If it is true, why is he remaining the chair of Ontario Power Generation?

Did the energy minister—you, your predecessor or his predecessor—and the government of Ontario receive bad information from Chairman Farlinger with respect to when Pickering A would be refurbished?

Hon Mr Baird: Certainly in my three months on the job I have not. I can indicate to the member opposite that there indeed was bad information with respect to when the project would be up and running. It was initially indicated that the first reactor, reactor number 4 at Pickering A, would be on-line well before it certainly will. That's no secret; it's quite open. It's in OPG's third-quarter statement. Mr Osborne has spoken very clearly with respect to the project and his views on it, and my views would not be dissimilar to those expressed by the president and CEO.

Mr Bryant: Well, here is the problem: energy ministers were meeting with the chair of OPG on a regular basis, week after week after week, before the marketplace opened, and yet Ontario Power Generation had put out in a press release on January 30 that Pickering A was not going to be on-line in May. It wasn't going to be on-line, it says, until the third quarter of 2002. Then another report, also before the market opened, said that "OPG currently expects to return the first unit of Pickering to service in late 2002 and early 2003."

Are you to have us believe that the energy minister didn't raise this with the chair? Are you to have us believe that he didn't read these press releases? You say you received bad information. I say the government of Ontario didn't receive bad information; they received information that they didn't want to hear. You were getting the truth about the Pickering refurbishment and you couldn't handle the truth. As a result of it, you started up the marketplace before supply was ready. My question to you is, when you knew—when the government knew—that in fact Pickering wasn't going to be on-line and on time, why did you open up the marketplace in May?

Hon Mr Baird: The member opposite undoubtedly took grade 13 drama in high school and failed, but I guess they didn't provide an F back in those days either. We're tremendously concerned about the delays that have happened at Pickering A. Obviously the information that had been given when we first embarked on this process in the late 1990s has not come to fruition. I can say that in the three months that I've been the Minister of Energy, I've always received a good amount of information that I've requested from OPG.

I think the member opposite is trying to go down another road, because his own leader has changed policies on his back. If you go to energy on the Liberal Web site—I wanted to find out what their policy on

energy was today and I plugged into the Liberal Web site, and you have here, "Update coming soon," which is really remarkable. When Dalton McGuinty went out and had the scrum of his life, I saw the leader of the NDP standing like a proud father, knowing that Dalton McGuinty is a Howard-come-lately on this issue.

EDUCATION FUNDING

Mr David Caplan (Don Valley East): I have a question for the Minister of Education. Later today, your appointee is going to reveal a long list of cuts to the Toronto District School Board. Your strategic leaks to the media admit that you're going to be cutting certified supply teachers. Cutting the number of certified supply teachers means that when regular teachers get sick, uncertified people will be teaching kids more often. It means that when a teacher takes maternity leave, more often her students will spend the rest of the year with an uncertified person. The question is simply this: why does your government want more classes taught by uncertified people?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): The member opposite obviously has much more information than we do. If I take a look at what I've been reading in the media, it looks to me like the supervisor has perhaps done the job he was asked to do of balancing the budget, despite all the fearmongering that we heard from you and others in the city of Toronto.

Mr Caplan: You're cutting the number of supply teachers; you know it, I know it and parents and kids know it. Fewer supply teachers means even more unqualified people leading classes. But I can think of a better way to help the Toronto District School Board and other boards of education balance their budgets. Instead of giving half a billion dollars to private schools, invest that money in public education classrooms. You're putting more uncertified people in front of classrooms while you hand out millions of dollars to private schools, and that's wrong. My question for you is simple: will you cancel your private school tax credit and invest that money in our public schools?

Hon Mrs Witmer: This is unbelievable. I don't even know what \$500 million he's talking about. Furthermore, let's go back to the fearmongering. Do you know what Gerard Kennedy said? Schools are going to cut out rec, they're going to cut special-needs programs. Do you know what? It's all been fearmongering. As far as the \$500 million for private schools, it's not here. Do you know what? You're going to have to check your facts and your figures. You've got it all wrong, like you have on Hydro.

1410

Mr Caplan: The minister is right in her answer that she doesn't know what she's talking about. Minister, 3,100 kids are waiting for special education assessments in the Toronto board alone; 36% of kids have no phys ed teacher; 35% of kids in Toronto have no music program. The quality of education in public schools is failing, but

you have half a billion dollars for private schools. Under your government, funding for private schools is going up \$3,500 per student, but for kids in public schools it's going down over \$2,100 per student. That's a betrayal of everything you said you stood for when you were a trustee and when you were the chair of a board of education. Minister, how can you possibly defend handing private schools half a billion dollars when you're cutting public education in Toronto and elsewhere in the province?

Hon Mrs Witmer: This government since 1995 has done more to support students in Ontario in order to ensure that they have the resources, they have the services. We are providing funding in order that our teachers can provide the best education possible. In fact, this year we increased funding by 3%. We are now paying and supporting education to the tune of \$14.26 billion. We are proud of what we've done for students, and we would recommend that you get on board and fight for students too.

HYDRO DEREGULATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. You are a former Finance Minister. You're a former Bay Street investment banker. You should know your numbers. Maybe you can help the people of Ontario out with this problem. Tell us, Premier, when it comes to hydroelectricity, who has flip-flopped more, you or Dalton McGuinty?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I will give him this: he is very consistent. He believes that everything should be socialistic, everybody should be—

Interjections.

Hon Mr Eves: Don't confuse him with the facts. His mind is made up. I'm still waiting for the financial part of the question.

Mr Hampton: I realize that's a very tough question. People in the province say, "There's Flip and there's Flop—no, there's Flip and there's Flop."

It's like this, Premier. You've changed your position on hydro so many times it's making people's heads spin. In October 1998 the Conservatives announced you were going to privatize and deregulate Hydro—

Interjections.

The Speaker (Hon Gary Carr): Would the leader take his seat. The members for Windsor West and Windsor-St Clair, please come to order. Sorry for the interruption, leader of the third party.

Mr Hampton: I realize that the Liberals' position on hydro causes them great pain, so I'll be gentle here. In October 1998 the Conservatives announce you were going to privatize and deregulate hydro. Then you spend the next three years on propaganda advertising, telling people that this will be good for them, that prices will go down. In December 2001 the Conservatives announce that you were going to privatize Hydro One. On April 30, 2002, you say that maybe you won't sell off Hydro One.

On May 29 you introduce a bill that you say will allow you to sell off Hydro One. On June 12 you say you'll only sell off up to 49% of Hydro One. Then last week, when it becomes painfully obvious to consumers that privatized and deregulated hydro is too expensive for them, you rolled out your scheme to hide the cost.

Premier, with all those flip-flops, why should any person in Ontario trust you with our hydro system?

Hon Mr Eves: We have taken steps to protect the consumer in the province of Ontario. As you know, we have capped the rates at 4.3 cents a kilowatt hour. That is why consumers in the province can trust us. They certainly can't trust a party who in five years increased the public debt in the province by \$63 billion and increased the debt of Hydro \$3 billion on top of that; \$66 billion in five years you increased the debt of Ontario taxpayers. They certainly aren't going to trust you.

Mr Hampton: Premier, I can tell I've struck a nerve. Don't feel bad, because you're not the biggest flip-flopper. In 1998, Dalton McGuinty voted in favour of Hydro privatization and deregulation. For the next three years, the Liberals trolled up and down Bay Street looking for money from investors, and they said, "Dalton McGuinty and the Ontario Liberals have been consistent supporters of the move to open Ontario's electricity market." When Hydro One was put up for sale, Mr McGuinty said, "I am in favour of privatization both in terms of the transmission and the generation." In September, Mr McGuinty said Liberals would close all the coal-fired plants. Yesterday he flip-flopped on that too. Like some others, I went to the Liberal Web site to see what their hydro strategy was, and there is none.

Premier, I repeat my question: why should anyone in Ontario trust you or Dalton with—

The Speaker: I'm afraid the member's time is up. Premier?

Hon Mr Eves: I certainly can't answer for Mr McGuinty. His Web site speaks for itself; it's a blank piece of paper.

We indeed do have a nine-point plan that we outlined on November 11 with the people of the province of Ontario which we believe will protect consumers as we go forward and develop a generation free market here in the province. I think our nine-point plan addresses all the issues that you've covered in question period today.

The Speaker: New question. The leader of the third party.

Mr Hampton: Premier, I told you and the Liberals over two and a half years ago that hydro deregulation and privatization would be a fiasco; it would drive up the price so that consumers couldn't afford to pay it and it would create electricity supply shortages. Now that this has become evident to both you and the Liberals, you want to endorse a pre-election price cap rebate scheme to cover, to hide, the cost of privatized hydro from the consumers.

Premier, rather than you and the Liberals engaging in a cover-up, a pre-election bribe designed to hide the true cost of privatized hydro from the people of Ontario, why

don't you finally admit that privatized, deregulated hydro always costs more? It cost more in California, in Alberta, in Montana, in Pennsylvania and in Ontario. Why don't you do the right thing? Kill hydro privatization and deregulation now.

Hon Mr Eves: First of all, the leader of the third party knows that hydro is not being privatized. Second, he knows that to ensure a future supply of energy in the province of Ontario, we are going to have to have a competitive marketplace and we're going to have to encourage other players to produce energy in the province of Ontario. That is part of our nine-point plan.

At the same time, we are protecting consumers while we're doing that. We have a plan. You don't have any plan except the plan that you used when you were in office for five years: increasing debt to the people of Ontario by \$66 billion. That's your plan. Do you think the people of Ontario are going to accept your plan in the next provincial election, Howard?

1420

Mr Hampton: Premier, the people of Ontario know that right now you are planning to sell off a major chunk of Hydro One. And who are you talking to? The same highway robbers, SNC-Lavalin, that came in, scooped Highway 407 for pennies, then sold it off at three times that value, and drivers of Ontario are paying prohibitive and exorbitant rates for driving on 407. You want to make the same deal with the same highway robbers. We know from the experience of Highway 407 that those people will want higher and higher hydro rates.

Premier, there is an alternative. Hydro Quebec is following it: public power at cost, public ownership. Manitoba is following it. Saskatchewan is following it. In fact, a number of jurisdictions in the United States have voted to end deregulation.

Instead of trying to cover up the cost with your Liberal friends, instead of a pre-election bribe, admit hydro privatization and deregulation is too expensive for consumers and kill it now.

Hon Mr Eves: You really have gone a step too far now. You're the last party that should be standing in the Legislature talking about Highway 407. Your policy on Highway 407—you were a member of the cabinet that approved this policy—was to privatize Highway 407, saying that if the private sector operator made any money, they got to keep it, and if they lost any money, you would reimburse them through the taxpayers' dollars. What a great NDP socialist scheme that is. That's why you were so successful in the 1999 election, and that's just as successful as you'll be in the next election.

HYDRO ONE

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Minister of Finance, and it has to do with the sale of 49% of Hydro One. A phone call I made late last week to your ministry indicated that the sale is proceeding, I gather, quite quickly, and it's planned to occur over the next several weeks.

I think if there's a message that the government has heard over the last few weeks it's that the public do not want that. It will also be a fire sale designed to get quick cash into the government's pockets before the end of the fiscal year. It sells off part of a very major public crown jewel.

The question is, why in the world are you proceeding with these plans to sell 49% of Hydro One?

Hon Janet Ecker (Minister of Finance): First of all, I would like to assure him, if he had been paying attention, that there's been no change in the timing of what we're doing with Hydro One. Secondly, we were very clear that what we were looking for were ways to bring market discipline to the day-to-day operation of Hydro One, to make sure that we had private sector investment to help improve the transmission lines. As this government has made very clear, what we are looking for is a partnership that's in the best interests of Ontario consumers, Ontario taxpayers, Ontario electricity consumers, and that will remain this government's bottom line as we decide how to proceed.

Mr Phillips: Well, you are proceeding, I gather, to sell off 49%. It's a dumb idea. You shouldn't do it.

I'm also very concerned about the secret process. It was just two weeks ago, Minister, that you told the public it would be a public process.

We again phoned your ministry. They told us it's all private. It's all done behind closed doors. The request for proposals will not be made public. It's all done behind closed doors. So I say to you again: the public have spoken. They do not want you selling off part of their major crown jewel, this enormous public asset. They don't want you doing it behind closed doors.

Mr Eves made the same mistake when he sold the 407 just before the last election.

Back to the sale of Ontario Hydro, 49%: firstly, you said it would be public; we find out from your ministry it's not. We find that you're now selling it as a fire sale before the election. Why don't you do the right thing and simply cancel the sale of 49% of Hydro One?

Hon Mrs Ecker: The objectives that we laid out for seeking a private sector partner with Hydro One are the same today as they were several months ago. The timing is the same today as it was several months ago. We are publicly accountable for the arrangements they may make, as we were on Highway 407.

The honourable member likes to bring up Highway 407. I'm glad he does. We have a brand new highway in Durham region because of the deal the current Premier, the former finance minister, made. That's a benefit for the consumers in Durham region and across the top of the GTA.

We are looking for an acceptable private sector partner for Hydro One. At the end of the day, it is the best deal we're looking for. If there is no good deal, we do not proceed. We've been very clear about that. Do you know what? There is more public accountability in how we have proceeded with 407 and Hydro One than we have with the Ontario Liberal energy policy. There's nothing

there. We're prepared to be accountable. We table our accounts. We go to public audit committees. Where are they?

KARLA HOMOLKA

Ms Marilyn Mushinski (Scarborough Centre): My question today is for the Attorney General. Many of us in this House have read with serious concern—certainly with great concern in my constituency of Scarborough Centre—the recent media report surrounding a new book written with the participation of Karla Homolka. According to these reports, it seems that she corresponded to the writer and shared some of her own experiences and thoughts.

My specific concern is that her participation in this project may have violated the plea bargain that was agreed to for her role in the infamous Paul Bernardo case. It's an agreement that some have called a deal with the devil.

Minister, can you please inform this House of what actions you will be taking to ensure that these serious concerns are being addressed?

Hon David Young (Attorney General, minister responsible for native affairs): The honourable member has referenced today a very painful chapter in the history of this province and, indeed, of this country. The wounds of the communities and, of course, particularly the families who are so directly involved in this series of great tragedies, haven't yet fully healed. I anticipate they will never fully heal.

In my role as Attorney General, I asked the Niagara regional police force to conduct an investigation into the matter that the honourable member has referenced. I understand they are looking into this matter as we speak, and in due course I will have their report.

Ms Mushinski: Thank you for that answer, Minister. I believe that is indeed the right thing to do to get to the bottom of these concerns. As you have noted, this was an extremely painful chapter for many people in our province. In particular, there were some in my own riding of Scarborough Centre who were very seriously impacted. I feel they deserve no less by your actions.

Can you advise this House when the investigation may be completed and what actions you believe the government should take after that?

Hon Mr Young: I think it's important that we allow the Niagara regional police force to do their job. I think it's important that we allow them to do so without political interference of any sort. I think it's important that we not jump to any conclusions as to what the result of that very important investigation may be.

By the same token, I say to you and the members of this honourable assembly, I don't want to rush this investigation. I want it to be done in a comprehensive manner. I have the utmost confidence that the officers who have been assigned this very important task will do so.

DOCTOR SHORTAGE

Mrs Sandra Pupatello (Windsor West): My question is for the Premier. I'd like to read a quote of yours in a national paper: "Mr Clement will be making an announcement about foreign-trained physicians in underserved areas in the next week to 10 days."

You said that at the end of October—October 27. You promised thousands of foreign-trained physicians that you were prepared to help, keeping in mind that you have been the government going on eight long years. Nothing has happened to get rid of barriers for foreign-trained physicians. Nothing has happened to help our own Canadian-born—people who are from Ontario who have studied abroad—to come home, practise and assist the many families in Ontario who do not have a family doctor and where we have communities without many, many specialists. Why are you denying this help to Ontario families?

1430

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Obviously the honourable member would want the ministry and the Minister of Health to have a full and comprehensive announcement when he makes it, and he will be making it in short order.

To sit here in the House and listen to the honourable member say that it's our fault that foreign-trained physicians are not being recognized—

Interjections.

Hon Mr Eves: Try seven years and five months; you never were very good in math over there. You increased the debt of the province by \$10 billion, not the \$66 billion, I'll admit. You increased the debt of Ontario Hydro by another \$7 billion on top of that. You pretended to balance the books and, after an independent review was done, we found out you were really \$700 million in the hole. So I don't need any lectures from Liberals about economics, you who ran up the debt by \$17 billion when you were in government.

Interjections.

The Speaker (Hon Gary Carr): Just before the supplementary, to the member for Kingston and the Islands, this is his last warning. If I have to warn him again, he'll be removed.

Mrs Pupatello: Premier, you do not have a stellar record on debt or on many matters that you're in charge of. You have been the Premier for months and you have been in the government for seven years and five months, and in that time you have done nothing for foreign-trained physicians. We have 122 communities now that are designated underserved.

This is an unbelievable and very unremarkable record for you, Premier. You have had the opportunity. You were given the report by the task force that you called for. They've had this report since the beginning of October. They have listed many recommendations to remove barriers to have foreign-trained physicians practising in Ontario. Those include people we've accepted as Canadians here and also people who are from Ontario

and trained abroad whom we want to come home to work.

Please don't make excuses and talk about all of these matters. We are talking about the very important work of needing doctors practising in Ontario. We expect barriers to be removed and you've done nothing. What do you have to say about this today?

Hon Mr Eves: The barriers will be removed. We will solve part of the problem that your government created by reducing the number of medical graduates in the province of Ontario when you were in government. We will solve the problem that your federal cousins in Ottawa have created through their immigration policy by not giving foreign-trained physicians a chance in this country. We're going to do it in the province of Ontario, even if your country cousins in Ottawa don't have the guts to do it federally.

Interjections.

Mr Mike Colle (Eglinton-Lawrence): On a point of order, Speaker: I would like the member from London West to apologize for giving the finger to the opposition.

The Speaker: Would the member take his seat.

Interjections.

The Speaker: Order. Come to order. Member for Eglinton-Lawrence, I didn't see anything. It's impossible. I was looking for the person. I'm sure if the member did anything wrong she, would do the honourable thing.

Interjection.

The Speaker: She's saying she didn't.

Interjections.

The Speaker: Come to order right now, everyone. Order, right now. We've had our little fun. The temperature is starting to rise; it always does on caucus day. Just be warned that we're going to pick people out if it gets carried away, and right now we're at the stage where it isn't one or two persons, it's a group of people. So just rest assured that if I get up again, people will be going out from any side, it doesn't matter whose it is.

I believe the member for Simcoe North had the floor.

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): On a point of order, Mr Speaker: [Inaudible] accused me of doing, I'm very sorry.

The Speaker: I appreciate that, Minister.

The member for London West on a point of order.

Mr Bob Wood (London West): I'm the member for London West. I have no idea what the member is referring to.

The Speaker: I see. I understand from the clarification that he's the member for London West.

The member for Simcoe North has the next question.

HEALTH PROTECTION LEGISLATION

Mr Garfield Dunlop (Simcoe North): My question today is for the Minister of Public Safety and Security. Earlier this afternoon you announced the proclamation of my private member's bill, Bill 105, An Act to amend the Health Protection and Promotion Act. Bill 105 allows

front-line emergency workers, victims of crime and good Samaritans access to a blood test of those who may have deliberately or accidentally exposed them to bodily fluids leading to many communicable diseases such as HIV or hepatitis C. Can you tell the members of this House why this piece of legislation is important to your ministry?

Hon Robert W. Runciman (Minister of Public Safety and Security): I want to thank the member for Simcoe North for his question. I'd like to take this opportunity to congratulate the member for his hard work and dedication. The passage and proclamation of this legislation is an outstanding example of how private members can have a real and measurable impact on the lives of our citizens.

Bill 105 is the first of its kind in Canada and perhaps North America. Bill 105 will further protect police officers, firefighters, ambulance workers, correctional officers and the thousands of good Samaritans who come to the aid of others every year in Ontario. It will allow local medical officers of health to order blood samples from individuals who accidentally or deliberately expose front-line emergency service workers, victims of crime or good Samaritans to bodily fluids. It's a sad fact that quite often those who take it upon themselves to help and protect complete strangers are not given every mechanism possible to help and protect themselves in return.

Mr Dunlop: I too am glad that I was able to do my part in our government's efforts to protect those who work to protect others, as well as providing another step toward further enhancing the rights of victims.

In creating this legislation, I heard from many front-line workers and victims of crime who thoroughly supported the legislation. I know there are some obvious concerns surrounding privacy, but I would like to ask the minister if he has heard the same support, because I think the members of this House should know who is really going to benefit from this legislation.

Hon Mr Runciman: I too am glad that the member made this significant contribution. Today, as we all know, members of the Police Association of Ontario are with us, and I know they've been strong advocates of this legislation. Not only will Bill 105 be an important piece of legislation in the lives of Ontario's police officers and other front-line emergency workers, but today we're also joined by Natalie Hiltz and her family. Natalie is not only a Peel regional police officer, but she is also a victim of crime who was tied up in mounds of red tape to find out whether she'd been exposed to a life-threatening disease.

I'm proud to support Bill 105 not only for people like Natalie and members of the PAO, but for the thousands of individuals like them who should always have the right to know.

PENSION PLANS

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Very deep within your latest omnibus budget bill, Bill 198, there is a very nasty surprise for all the hard-working pension contributors

across this province. It amounts to giving employers the capacity to unilaterally take money out of their pension plan when there is an apparent surplus. It amounts to government-sanctioned pension plan robbery. Under your legislation, employers, but not employees, will be allowed to withdraw any apparent surplus from ongoing pension plans. Secondly, employers will be permitted to use any apparent pension surplus to reduce their own contributions.

Premier, this legislation is grossly unfair and is bitterly opposed by employee and pension groups across the province. Will you sever it from Bill 198?

1440

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I think the Minister of Finance can explain the legislation to the honourable member.

Hon Janet Ecker (Minister of Finance): I appreciate that the honourable member, based on what he's obviously been told, and it's not accurate information, is concerned. This is not providing employers with an opportunity to raid pension funds. As a matter of fact, it's quite the contrary. It says that where an employer has clear entitlement, they must apply to the regulator in terms of whether they can have any surplus. The regulator's priority concern is the viability of the pension plan, because in this day of reduced investment income we have to make sure that pension plans stay viable.

Secondly, it also clearly entitles the majority of employees. It gives them an additional right to say whether an employer should be able to do anything with surplus on windups. So it is actually giving employees additional rights. It's making the pension plan legislation consistent with other provinces. At the end of the day, it does nothing to interfere with the earned benefits of any pensioner; it does everything to protect the financial viability of our pension plans. I would think the honourable member would be very supportive of initiatives that protect the pension benefits of workers out there.

Mr Hampton: In short, balderdash. The Minister of Finance knows that the law in Ontario, as it now stands, says that where there is a surplus in the windup of a pension plan there must be a negotiation between the employer and the potential pension recipients, that there is no unilateral authority for the employer to appeal to a pension board and say, "I want all of the surplus."

You'll also know that as the law stands now, when an ongoing pension plan has an apparent surplus for a period of time, employers have no authority to unilaterally take that apparent surplus for themselves or to have a holiday by themselves without the employees at the same time being able to share in that apparent surplus. What you're saying is that wherever there is an apparent surplus in a pension plan, it all goes to the employer, it all goes to your corporate friends.

This is grossly unfair, Minister. I'm asking you and the Premier to withdraw it before you create a real war out there in workplaces across Ontario. Do the right thing. Recognize how grossly unfair this is. Recognize it amounts to pension robbery. Sever this from Bill 198.

Hon Mrs Ecker: With all due respect to the honourable member, this has been consulted on, this has been publicly available.

Mr Hampton: No, it hasn't.

Hon Mrs Ecker: The honourable member is saying, "No, it hasn't." Do you know what? Then whose people for the Ontario Federation of Labour and the unions were sitting in the room—

Mr Hampton: That's a bunch of crap.

The Speaker (Hon Gary Carr): Order. Minister, take your seat. I'm going to ask the leader of the third party to withdraw that comment.

Mr Hampton: I withdraw, Speaker.

Hon Mrs Ecker: There has been consultation on this, as there should be. Secondly, we will be meeting with all the stakeholders on the development of the regulations to make sure the appropriate checks and balances are there, as they should be. But this in no way is allowing anyone to walk away with surpluses, because the protection of pension rights for workers out there, the protection of the financial viability of pension plans, is foremost in our minds.

CHILD CARE

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): My question is for the Minister of Community, Family and Children's Services. For nearly two years your government has received additional money from the federal early child development accord for the purposes of supporting programs for children and their families. One area specifically highlighted for support was child care, yet your government has not spent one additional penny of that money on child care. Today in the Globe and Mail, Jane Stewart, the federal human resources minister, was critical of this inaction by your government. She indicated that most provinces did invest in child care and that the Eves government's resistance to improving access to child care is making it difficult for federal and provincial ministers to agree on a national child care policy.

Minister, will you commit today that your government will direct a portion of this year's allocation from the federal early child development accord to increase your support in the area of child care in Ontario?

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I thank my colleague across the way for the question. First of all let's be very clear: this government thinks that good child care is important to the people of Ontario. That's why we have made a very significant investment in child care; in fact, over \$700 million. We have a particular program, the Ontario child care supplement for working families. This is a tax credit program where \$215 million is directed exclusively to low- and modest-income families for child care.

Having said that, I referenced the document that talks about the federal and provincial agreement on early childhood development. I want to be very clear on what was said, and I will quote this: "Quality early childhood

development, learning and care have been shown to promote physical, language and motor skills; social, emotional and cognitive development." We completely agree. "This priority includes supports that promote healthy development, provide opportunities for interaction and play, help prepare children for school and respond to diverse and changing needs of families. Possible examples include"—and of course in that is child care.

We have more than made huge investments—

The Speaker (Hon Gary Carr): The minister's time is up.

Mrs Dombrowsky: Minister, when it comes to child care, your government has been called the ABC government, anything but child care. If you look at your own government estimates for this year, you are spending less on child care than when you came to office in 1995. Dalton McGuinty has a plan. Our Best Start plan will support 300,000 children with child care costs. We believe this is an investment in our future and sound economic policy, and so do Charlie Coffey and Margaret McCain. It is shameful that Ontario is seen to be blocking the national child care agenda.

Minister, will you work with the federal government, and will you commit today to use some of the accord dollars to invest additional money in child care in the province of Ontario?

Hon Mrs Elliott: I thank my colleague for the question. I would ask her what program she would like us not to deliver with the money we've invested. How about autism or infant development; children's mental health; or learning, earning and parenting programs? What about the Early Years centres we've invested in? How about the early literacy programs? Are those programs she would like us to cut because we choose to put it in child care? I am glad she is beginning to talk about a number of programs, but I would reference one of her very own letters where she says to me, "I urge you to include additional resources for children with autistic spectrum disorder." Nowhere in your letter do you reference child care.

But more importantly, if the federal government is interested in putting together a national child care program, we will wait until we see the details. This is a program they have talked about for 10 years, and I say "talked about" only. We'll wait for some action, because clearly here in Ontario we know what it is to create programs, fund them and, more importantly, deliver. Yesterday I added an additional \$58 million to—

The Speaker: The minister's time is up.

1450

SCHOOL ACCOMMODATION

Mr AL McDonald (Nipissing): My question is for the Deputy Premier and Minister of Education. In recent weeks there has been coverage in the media and from our friends in the opposition regarding the overcrowded schools and the need for new schools. Every student in Ontario deserves a quality education, which includes

effective and safe accommodation. Could you tell us what this government is doing and has done to accommodate the growing number of students in this province?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): Our government recognized that it was important to fund new student places because we do have a growing population and many of our students were in portables. So there is now the flexibility and the ability to build schools where and when they are needed throughout the province of Ontario. I am very pleased to say that our funding has actually supported the construction of approximately \$3.6 billion in new projects, which means that since 1998 school boards have built 183 new schools and 247 additions or major renovations.

Mr McDonald: Minister, that's great news. I know, for instance, in my riding of Nipissing there have been new construction and renovations taking place in a number of boards. In fact, I've heard from constituents commenting on the new construction. I just want to know what your experience is. Have you heard from local schools on this issue?

Hon Mrs Witmer: There certainly has been a tremendous amount of opening of new schools in recent months and years, and major renovations, and I can tell the member from Nipissing that parents are grateful, trustees are grateful and teachers are grateful. In fact, all of the stakeholders appreciate the fact that we are building new schools.

Last week I participated in the opening of a new school in Waterloo, the Lester B. Pearson school. Recently I was down to Strathroy. They have a very unique arrangement between Thames Valley District School Board and London District Catholic School Board. They actually have a joint facility between Strathroy District Collegiate Institute and Holy Cross Secondary School. I can tell you, it's good news. People in the province are happy with the funding they have to build schools when and where they're needed.

ONTARIO SUPERBUILD CORP

Mr Joseph Cordiano (York South-Weston): I have a question for the minister responsible for SuperBuild. According to this SuperBuild document, \$13.2 billion has been committed to projects as of September 2002. Three years and \$13.2 billion later, and still you have failed to produce an audited financial statement as you are legally required to do by the Development Corporations Act. Minister, I raised this question four months ago and still you have failed to comply with the law. As a result, you are failing the public by not being accountable for these huge sums of taxpayer dollars.

My question to you is this: of the \$13.2 billion committed to date by SuperBuild, how much of that has been actually contributed by the private sector?

Hon Janet Ecker (Minister of Finance): We are quite prepared and do on a regular basis—we're audited.

Ministries put their information out about what plans are going forward for capital plans. We announce publicly when there are public-private partnerships. We list on a Web site the projects that are out there, that are going on under the greatest capital infrastructure investment this province has ever seen, under this government, where we are actually putting new investments—whether it's roads, whether it's sewers, whether it's hospitals—important infrastructure investments that not only improve the quality of life in our province but also help us keep economic prosperity.

Mr Cordiano: She hasn't answered the question. I asked how much has come from the private sector. We know that of the \$13.2 billion, \$11 billion has come from public sources—federal, provincial and municipal governments—and only \$2.2 billion has come from the private sector.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Only?

Mr Cordiano: That's right, only \$2.2 billion.

Minister, when SuperBuild was announced three years ago, you stated—with great fanfare, I might add—that \$10 billion was to come from the public sector and another \$10 billion was to be leveraged from the private sector. Only \$2.2 billion has come from the private sector. That means you are \$7.8 billion short of your stated \$10-billion target that was to come from the private sector.

My question is this: would you not agree that after almost three years and 3,000 projects, SuperBuild has failed to attract enough private sector funding and that SuperBuild is a super bust?

Hon Mrs Ecker: Only the Liberals would think that 3,000 projects is not successful. Only the Liberals would think that the new construction at our hospitals, at our schools, on our highways, on our sewage and water plants and on our post-secondary institutions is not a success.

The capital investments of this government are duly accounted for. We have numbers in the budget; we have a Web site that lays it out. We are publicly accountable for this, as we should be, and we will continue under SuperBuild, with the co-operation and the working of all the different ministries, to make new investments in important economic infrastructure in this province, as we promised we would do.

LONG-TERM-CARE FACILITIES

Mr Toby Barrett (Haldimand-Norfolk-Brant): My question is for the Associate Minister of Health and Long-Term Care. I know how hard the associate minister and our government are working to make sure that the high standards of our province's long-term-care facilities are met. That's why I want to ask the associate minister about the current situation of Royal Crest Lifecare Group. I understand that Ernst and Young has currently been appointed interim receiver of Royal Crest Lifecare

Group as trustee in bankruptcy for all of Royal Crest's nursing and retirement facilities in southern Ontario.

One of these facilities, Norcliffe Lifecare Centre, is located in my riding of Haldimand-Norfolk-Brant, in Hagersville. For the benefit of my constituents who are residents at Norcliffe, as well as for the benefit of their families, could you please provide an update on the facilities formerly operated?

Hon Dan Newman (Associate Minister of Health and Long-Term Care): I'm pleased to respond to the honourable member for Haldimand-Norfolk-Brant. I want the people of his riding to know how hard my colleague works on their behalf at Queen's Park and just what an effective member he is.

The financial creditors of Royal Crest Lifecare Group have received approval from the court to appoint an interim receiver—in this case, Ernst and Young—to operate the long-term-care facilities and retirement homes owned by Royal Crest. During this period of transition, the ministry's role hasn't changed at all. Our role as government, and my job as minister, is to ensure that the safety and well-being of the over 61,000 residents receiving care in long-term-care facilities in Ontario continue. Regardless of who owns a long-term-care facility, we will ensure our regulations and our strict standards for resident care are met or exceeded. That's exactly what we do each and every day of the year, and that's what we're doing in this situation.

Mr Barrett: I certainly thank the associate minister for his response. I'm very pleased to hear the Ministry of Health and Long-Term Care is keeping the health and well-being of facility residents as their number one priority. I know the residents of Norcliffe and their family members are very pleased to hear this as well.

I would like to ask the associate minister if he could provide some additional detail as to how the ministry has monitored and will in the future be monitoring these facilities once owned by Royal Crest to make sure the residents receive the care they deserve. I know my constituents would like to know that.

Hon Mr Newman: I'd like to inform my colleague, and indeed this House, that Ernst and Young has advised the ministry that it has chosen Extencicare (Canada) Inc to assume responsibility for the day-to-day management of their homes as agent of the interim receiver. We're working very closely with Extencicare to ensure that residents receive the care they need. I want to reassure the residents and their families that we have every confidence our strict standards will be met or exceeded. The ministry has enhanced our monitoring at all long-term-care facilities owned by Royal Crest. Our staff has been in every one of the 11 affected facilities, and monitoring will continue throughout this transition period.

I would also like to thank the ministry staff, and especially Paul Tuttle, the director of the ministry's long-term-care branch, who have been putting in the extra hours required during this challenging time. They are true professionals.

1500

WOMEN'S SHELTERS

Ms Marilyn Churley (Toronto-Danforth): I have a question for the Minister of Community, Family and Children's Services. Demand for women's shelters is soaring, yet we hear that in Thunder Bay you are going to shut the Community Residence Women's Shelter, the biggest shelter in town. Police, city council and the community are demanding with one voice, "Don't close that shelter." I'm demanding, "Don't close that shelter." Promise today that you will not close that shelter.

Hon Brenda Elliott (Minister of Community, Family and Children's Services): It's very important to us that facilities are available for women who find themselves in a crisis situation and need a safe refuge at a terrible time in their lives. We've made a tremendous commitment to women's shelters across this province, adding new ones this year.

My understanding of what is occurring is that my ministry's northern region is working with the city of Thunder Bay and the Community Residence Women's Shelter to explore options that will best meet long-term needs. It's my understanding that, yes, there is a plan that's being discussed as to what will happen with the shelter beds in the city of Thunder Bay. It's my understanding that a consultant has actually been hired by the city of Thunder Bay. It's my understanding that conversations are occurring as to what is in the best interests of the region and that no decisions have been made at this time.

Ms Churley: Let me tell you the plan: shut the shelter and ship women and their children three and a half hours away to another shelter, where you're shutting eight out of 10 beds, while occupancy jumped 42% in 2002. Minister, that's the plan. Murders of women by their spouses are up 25% in Ontario in only one year. Mothers, daughters, sisters and their children need protection, and you're throwing them on the street and playing with their lives. Stop. Listen to the police, city council, the community, and listen to me today: withdraw the plan to close the Thunder Bay women's shelter now.

Hon Mrs Elliott: Let me try again. This is not our plan. A community plan is being devised as to what would be the best way to place these shelter beds within the community so that it works for the community. It's a decision to be made by the community, in the best interests of the women who need help.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): On a point of order, Mr Speaker: I'd like to correct the record with regard to my question on federal dollars for child care in which I have asked the minister to commit. I did put that in a letter to the minister. I think the minister indicated otherwise in her remarks that in fact my letter suggested—

The Speaker: You can correct your own record. You can't correct somebody else's record.

LEGISLATIVE PAGES

The Speaker (Hon Gary Carr): Just before we begin petitions, we have a new group of pages that I'd like to introduce.

We have Michael Barrett from Don Valley West, Theresa Bernard from Pickering-Ajax-Uxbridge, Nicole Black from Prince Edward-Hastings, Anthony Boland from Oshawa, Ian Bradley-Perrin from Oakville, Nicholas Butte from Ottawa-Orléans, Olaniyi Dawodu from Windsor West, Sarah Donaldson from Perth-Middlesex, Brian Farrenkopf from Sarnia-Lambton, Annelise Hawrylak from Kenora-Rainy River, Evan Holt from Etobicoke-Lakeshore, Adriana Mazzone from Thornhill, Victoria Miller from Toronto Centre-Rosedale, Alka Sara Mohan from Toronto-Danforth, Garnet Paton from Ottawa Centre, Jared Paty from Whitby-Ajax, Sarah Penney from Renfrew-Nipissing-Pembroke, Michael Schonberger from Sudbury, Lauren Van Leeuwen from Peterborough and Molly Willats from Trinity-Spadina.

Please welcome our new group of pages.

PETITIONS

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This is the continuing petition to the Legislative Assembly of Ontario regarding the multi-laning of Highway 69 from Sudbury to Parry Sound.

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas in the last three years 46 people have died needlessly along that stretch of highway; and

"Whereas so far this year, 10 people have died on that stretch of highway between Sudbury and Parry Sound; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and"

Whereas the Premier of this province is going to Sudbury this Thursday for a fundraiser; and

Whereas the people of the community of Sudbury and northeastern Ontario want the Premier to announce a start date for the four-laning of Highway 69 from Sudbury to Parry Sound; and

"Whereas," as he knows, "it is the responsibility of any government to provide safe roads for its citizens and the Eves government has failed to do so;

"Be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Eves

government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

Of course, I affix my signature, and give it to our new page Evan to take to the table.

CHARITABLE GAMING

Mr Tony Martin (Sault Ste Marie): "To the Legislative Assembly of Ontario:

"Whereas charitable organizations are now being required to obtain licenses for small in-house raffles, such as 50/50 draws; and

"Whereas the small amount of revenue charities are allowed to retain to cover necessary expenses is arbitrarily defined by government officials; and

"Whereas increased competition from the provincial casinos and commercial gaming establishments for local money is constricting the ability of local charities to raise funds vital to the life of the local community;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) Immediately direct responsible officials to meet with affected charities to work out a mutually accepted agreement which permits the charities to accomplish the charitable objects of the organization and defines reasonable and necessary expenses allowable in the management and conduct of a lottery;

"(2) Conduct a review of the impact of large casinos and commercial gaming and lotteries on small, non-profit charitable organizations dependant on charitable gaming for their existence;

"(3) Review the criteria used to define reasonable and necessary expenses allowable for the operation of fundraising events by small, charitable organizations;

"(4) Develop new policies to guide the licensing system that recognizes local needs, particularly those of small, charitable organizations."

This is signed by 200 of my community residents over a period of two days, and I sign it as well and send it down with Garnet this afternoon.

NATURAL GAS RATES

Mr Michael Gravelle (Thunder Bay-Superior North): Despite the government's mess on hydro, we still have the problem with the retroactive delivery charge with Union Gas. I want to continue to read petitions related to that.

"To the Legislative Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore, we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases."

I am in full agreement with this petition and I sign my name to the petition.

SCHOOL BUS SAFETY

Mr Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas some motorists are recklessly endangering the lives of children by not obeying the highway traffic law requiring them to stop for school buses with their warning lights activated;

"Whereas the current law has no teeth to protect the children who ride the school buses of Ontario, and who are at risk and their safety is in jeopardy;

"Whereas the current school bus law is difficult to enforce since not only is a licence plate number required, but positive identification of the driver and the vehicle as well, which makes it extremely difficult to obtain a conviction;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the measures contained in private member's Bill 112, An Act to amend the Highway Traffic Act to protect children while on school buses, presented by Pat Hoy, MPP, Chatham-Kent-Essex, be immediately enacted. Bill 112 received the unanimous all-party support of the Ontario Legislature at second reading on June 13, 2002.

"Bill 112 imposed liability on the owner of a vehicle that fails to stop for a school bus that has its overhead red signal lights flashing...."

We ask for the support of all members of this Legislature, and I too have signed this petition.

1510

ONTARIO TEACHER QUALIFYING TEST

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a petition to the Legislature of Ontario.

"Whereas the Ontario government in accordance with the teacher qualifying test (OTQT) sets out to standardize the teaching profession, we the teacher candidates feel that the OTQT is part of an ongoing attack on public education and would like to take this opportunity to make our voices heard. We believe that there are some fundamental problems with the OTQT established by the Ontario government and the Educational Testing Service (EST); and

"Whereas the Ministry of Education has failed to be accountable in providing consistent and equitable access to information regarding the registration, content, format and evaluation of the Ontario teacher qualifying test to all teacher candidates; and

"Whereas the Ministry of Education has failed to subject the OTQT to sufficient assessments of validity and reliability; and

"Whereas the Ontario College of Teachers that oversees the profession standards, development and accreditation of all its members has not been involved in the development of the test; and

"Whereas a strong body of research demonstrates that standardized testing such as the OTQT program is an inadequate indicator of ability and performance and does not keep with the principles of equity and social justice; and

"Whereas the Educational Testing Service (ETS), the company contracted to develop the OTQT on behalf of the Ministry of Education, has predetermined 'correct' choices that may be subject to discriminatory practices;

"We, the undersigned, petition the Legislature of Ontario as follows:

"Teacher candidates implore the Legislature of Ontario to make the Ontario teacher qualifying test a pilot test and for it not to be considered a requirement for certification by the Ontario College of Teachers."

As you will see, this has been signed by a large number of people training to be teachers in Ontario, and I affix my signature in agreement with their concerns.

LONG-TERM CARE

Mr James J. Bradley (St Catharines): I have a petition that's addressed to the Legislative Assembly of Ontario and it reads as follows:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% over three years or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year, effective September 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month after three years; and

"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario for the year 2002; and

"Whereas according to the government's own funded study, Ontario will still rank last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and that the provincial government provide adequate funding for nursing and personal care to a level that is at least at the average standard for nursing and personal care in those 10 jurisdictions included in the government's own study."

I affix my signature. I'm in complete agreement with the sentiments expressed in this petition.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): I continue to submit petitions to the Legislative Assembly of Ontario dealing with the four-laning of Highway 69 between Sudbury and Parry Sound.

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering;" and

Whereas in the last three years 46 people have needlessly lost their lives on that stretch of highway; and

Whereas so far this year 10 people have died tragically between Sudbury and Parry Sound on that dangerous stretch of highway; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life;" and

Whereas the Premier of this province, Ernie Eves, is going to Sudbury on Thursday for a fundraiser; and

Whereas the people of the community of Sudbury in northeastern Ontario want the Premier of this province to announce a start date and an action plan for the four-laning of Highway 69 from Sudbury south to Parry Sound; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Harris-Eves government has clearly failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I affix my signature to the petition and again give it Evan, our new page, to take to the table.

HYDRO RATES

Mr Gerry Martiniuk (Cambridge): I have a petition signed by 720 good citizens of Cambridge which reads:

"A petition to the Parliament of Ontario:

"Whereas the government has stated its commitment to ensuring affordable hydro rates for the citizens of Ontario;

"Whereas the past summer's unusual demand for hydro and the failure to bring all plants up to operating capacity has resulted in a significant increase in hydro rates;

"Whereas these hydro rate increases present a great burden to many young families, seniors and those on fixed incomes;

"Whereas the province still owns Ontario Power Generation that produces most of" Ontario's "electricity and it has stated that a review of hydro rates and its regulating agency, the Ontario Energy Board, is necessary;

"We, the undersigned, petition the Parliament of Ontario as follows:

"That the province be directed to immediately freeze hydro rates to last year's levels during its current review of the Ontario Energy Board's mandate, that the province work with the federal government to eliminate the GST on Hydro One's debt retirement charges and that the province ensure stronger consumer protection for all citizens of Ontario against such hydro rate increases."

I sign my name thereto.

POST-SECONDARY EDUCATION FUNDING

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a petition to the Legislative Assembly of Ontario:

"Whereas average tuition fees in Ontario are the second-highest in Canada; and

"Whereas average undergraduate tuition fees in Ontario have more than doubled in the past 10 years; and

"Whereas tuition fees for deregulated programs have, in certain cases, doubled and tripled; and

"Whereas Statistics Canada has documented a link between increasing tuition fees and diminishing access to post-secondary education; and

"Whereas four other provincial governments have taken a leadership role by freezing and reducing tuition fees;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to:

"Freeze tuition fees for all programs at their current levels, and

"Take steps to reduce the tuition fees of all graduate programs, post-diploma programs and professional programs for which tuition fees have been deregulated since 1998."

This is a concern of hundreds and hundreds of students attending Lakehead University in Thunder Bay.

I affix my signature in full agreement with their concerns.

Mr Michael Gravelle (Thunder Bay-Superior North): I want to read a similar petition to my colleague from Thunder Bay-Atikokan.

"To the Legislative Assembly of Ontario

"From the Lakehead University Student Union, Local 32, Canadian Federation of Students:

"Whereas average tuition fees in Ontario are the second-highest in Canada; and

"Whereas average undergraduate tuition fees in Ontario have more than doubled in the past 10 years; and

"Whereas tuition fees for deregulated programs have, in certain cases, doubled and tripled; and

"Whereas Statistics Canada has documented a link between increasing tuition fees and diminishing access to post-secondary education; and

"Whereas four other provincial governments have taken a leadership role by freezing and reducing tuition fees;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to:

"Freeze tuition fees for all programs at their current levels, and

"Take steps to reduce the tuition fees of all graduate programs, post-diploma programs and professional programs for which tuition fees have been deregulated since 1998."

As my colleague said, we have hundreds and hundreds of names on these petitions. I'm happy to add my name to the petition.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): These are some more petitions with regard to the four-laning of Highway 69.

"To the Legislative Assembly of Ontario:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas, in the last three years 46 people have died needlessly along that stretch of highway between Sudbury and Parry Sound; and

"Whereas so far this year 10 people have been tragically killed in motor vehicle accidents between Sudbury and Parry Sound on Highway 69; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I, of course, affix my signature to this petition and give it to Jared to bring to the table.

1520

ORDERS OF THE DAY

TIME ALLOCATION

Hon Tim Hudak (Minister of Consumer and Business Services): I move that, pursuant to standing order 46, and notwithstanding any other standing order or special order of the House relating to Bill 180, An Act to enact, amend or revise various Acts related to consumer protection, when Bill 180 is next called as a government order the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment and at such time the bill shall be ordered referred to the standing committee on finance and economic affairs; and

That the standing committee on finance and economic affairs shall be authorized to meet for one day at its next scheduled meeting time for the purpose of consideration of the bill; and

That, no later than 4 pm on that day, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond its normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House; and

That, upon receiving the report of the standing committee on finance and economic affairs, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the votes on second and third reading may, pursuant to standing order 28(h), be deferred; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Speaker (Hon Gary Carr): Mr Hudak has moved government notice of motion 63. The minister.

Hon Mr Hudak: I'm very pleased to speak to Bill 180 and the motion that's before the House today. In fact, I have enjoyed the debate to date on Bill 180. To refresh those watching at home, Bill 180 is the consumer protection for the 21st century legislation, CP21 for short. This is groundbreaking legislation to help bring into modern times our consumer protection legislation in the province of Ontario.

The last time this legislation was overhauled in any fundamental way, the time when many of these bills were brought forward, was a time, in the 1960s and 1970s, when computers were the size of transport trucks, when the only people who had computers were NASA scientists and the Internet was simply the figment of a science fiction writer's imagination. In today's day and age, 2002, we have come a long way in terms of the way we do business in the province, the way contracts are signed and the tools we use to communicate, to research and therefore, through e-commerce, to purchase goods and services as well.

CP21, the consumer protection for the 21st century legislation, addresses those areas. It makes sure that our laws are up to date so that consumers, whether they be a senior citizen or a student away at the University of Western Ontario for the first time, will have protection if they're targeted by unscrupulous business operators.

I think every member of the House probably feels the same way as I do. I said in my remarks that I believe the vast majority of these businesses that practise in these fields are honest operators with legitimate practices, and they are careful to make sure that their product is described accurately. They try to maintain good relationships with their customers. After all, they would like their friend or neighbour or fellow student or somebody else in the senior's complex to similarly buy their product. Unfortunately, in many areas we do have unscrupulous operators who target the vulnerable, try to take advantage of them and often abscond with the money and set up a scam operation somewhere else.

In fact the ministry, every year, puts out its list of top consumer complaints. This year our top five scams in the province of Ontario to help to alert consumers about some of the issues out there that they should be aware of—the first lesson is always to exercise common sense. If something sounds too good to be true, it probably is too good to be true. Secondly, you should always read the fine print. I think, always in dealing with areas where you are making a significant purchase—a house, auto repairs, buying a new car—it is important to ask a lot of questions and look for advice from people who are in the consumer industry, your friends, your neighbours, somebody whom you trust to make sure you are dealing

with an operator who has a good reputation in the community. But, of course, those types of precautions don't always work.

That's why we need laws like CP21. If passed by the House, it will help protect consumers in vulnerable situations. I have had the pleasure of being here through, I think, the vast majority of the debate, through second reading on this bill. It seems to me that I have heard significantly a weight on behalf of supporting the bill. I know that the opposition parties, as well as the government, of course, voted in support on first reading. I hope we'll have similar support across the floor on second and third readings as well. In fact, when I have listened to the debate when I have been sitting here in the afternoon or evening House sittings on Bill 180, I tend to hear general support from across the floor. I know a lot of my government members and colleagues have spoken in favour of this legislation. Many of the ideas, quite frankly, they have brought up in caucus. They've encountered senior citizens, for example, who are targeted by an unscrupulous driveway paving operation that does a shoddy job and takes off with the money and leaves the senior citizen in the lurch, or a telemarketing operation that calls a student saying, "We can get you a loan at a very low rate, below the bank rate. We have some patient money that is coming in from overseas. Only if you give me \$1,000 up front, if you write me a cheque, I'll get you this low-interest loan." You write the cheque, the money disappears and there is no loan as a result. I know many members of the assembly have encountered this on the part of their constituents and have done their best to try stamp out these operators.

Our legislation, if passed, will help us do an even better job of prosecuting and tracking these people down and putting these illegitimate businesses out of business. I've been pleased with the support that I have heard from the government members and from those across the floor.

I look forward to an opportunity, as the motion reads, to take this to committee for consideration. There have been some issues that have been brought up—some that I'll address here today, others that I believe will be addressed through the committee process and then put to a vote for second and third reading. Certainly, as the minister responsible in this area, with the work of my predecessors, particularly Minister Sterling, who did a lot of work in this area—Tsubouchi and Runciman as well—we're all looking forward to seeing this project completed, to be brought to its final fruition and then giving our prosecutors, our investigators, the ability to go out there and do an even better job than they are currently doing to crack down on these operators.

I want to say too, I think we have a very enviable record at the Ministry of Consumer and Business Services, whether it's co-operating with other provinces or states, working with police forces to crack down on these types of scam artists. In fact, as I mentioned in the House yesterday during question period, over \$2 million in the last little while was returned to consumers, over \$1 million in penalties, as well as months and years of jail

time have been assigned by the judges in the cases that our prosecutors have brought forward. In fact, our staff have been recognized with international awards for their work, particularly in shutting down telemarketing scams that may use Ontario as a base and target seniors in other provinces or states. There were many great victories in that area.

Nonetheless, our view here in the Ernie Eves government is you don't rest on your laurels. You try to improve; you try to do a better job on behalf of those who pay the bills, the taxpayers, on behalf of our constituents. Certainly Bill 180, if passed, will allow us to do so.

One area that I know has come up for discussion during debate has to do with the Internet. As I mentioned in my earlier comments, for the first time consumer protection legislation under Bill 180 will take into account the new economy, the new e-commerce, and give consumers the same protections on the Internet that they would receive from regular face-to-face contacts that we customarily associate with consumer protection laws. We will expand consumer protection into e-commerce. We do this in a number of ways. For example, we are bringing in a 30-day delivery rule that says that if you ordered goods, the goods would have to be delivered or the service provided within 30 days of when you were told you would get that good or service. If you don't, you can cancel the contract, no questions asked. That type of rule exists for goods and services. We are now expanding it to the Internet for that type of protection.

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Similarly, we are bringing forward rules that allow for contracts through the Internet that will describe the goods accurately and, secondly, are either in e-format or any kind of printable format so the consumer, when making that purchase, will have a permanent record of what he or she had purchased. Just like if they walked into a store and made a purchase, they would have that contract describing the goods; they would have some standing in a court of law or working with the ministry if something had gone wrong.

Thirdly, we ask for a bricks-and-mortar address so that a consumer will know where they can go for face-to-face contact if something has gone awry with a product that they had ordered.

This is all part of a harmonization strategy as well across the various provinces. I think all provinces have signed on to this. Ontario happens to be quite advanced now in the legislative process to actually put the principles into law. But the goal is that, from one ocean to another to a third, we would have similar laws across Canada. So we could work with British Columbia, for example. If there's a scam artist at work in Ontario who uses the Internet to take advantage of somebody in British Columbia, we could work with each other to prosecute that individual and put them out of business. Similarly, we want to work with the States and other jurisdictions in that area.

Obviously, you're not going to solve all the problems overnight. There will be operators at work in other

countries where we don't have these agreements. That's true, and that's why the bricks-and-mortar law is important, so that you know where the business operates from. If the country is far away and it may not have the best reputation for lawfulness, you should probably be cautious in terms of buying a good or service from that country via the Internet.

Nonetheless, this is an important step forward, at least within the North American context, that now is expanding to other parts of the world to help have similar laws and support each other's prosecutions if people have been taken advantage of. I think that will respond to many of the concerns I've heard today. I think it's an important step forward.

Certainly many members have brought up, I think because it was a hot issue at the time, how hydro prices are impacted by this bill. But as I said during debate and I'd remind members today, the previous Bill 58 that was passed by the assembly takes many of the same principles that we have in Bill 180 and puts them into force. That was Bill 58, the Reliable Energy and Consumer Protection Act. Just like Bill 180, it eliminates negative renewal options, taking away negative-option billing, often an odious process that takes money from people for things they didn't order and they didn't want. Bill 180 eliminates that across the board for goods and services, and similarly Bill 58 with respect to energy prices includes that.

We also have in Bill 58, already passed, replacing a 10-day right to cancel with a 30-day period; I had mentioned in our legislation a 30-day delivery rule. People could get out of contracts if not delivered within 30 days of the contracted delivery date.

Bill 58 has a 15-day cooling-off period before a new contract can be reaffirmed. Similarly in this legislation, we expand the cooling-off period. For example, if an individual feels pressured by high-pressure sales tactics—vacation clubs are an example of that—this cooling-off period gives them a chance to rethink, to maybe get in contact with and get some advice from somebody they trust and get out of that contract, no questions asked, if they were the victim of these types of high-pressure sales tactics, which we certainly get complaints about at the Ministry of Consumer and Business Services.

That was one area, the e-commerce, that I think I've responded to. Bill 58 includes similar provisions with respect to the hydro market that are included in Bill 180 for e-commerce for goods and services outside the hydro side.

As well, I want to say that we have made every effort, to some comments from members, to do a broad-based consultation on this piece of legislation, CP21. In fact, this is not something that we did overnight. This is something that came about after several years of work by ministry staff and some of my predecessors. In fact, a blue paper—

Interjection.

Hon Mr Hudak: Well, it was a document with a blue cover. Maybe it's not technically a blue paper, but a document was put out some time ago and dispersed broadly and we had a great deal of response. It was also posted on the Internet and given to all members of the assembly, I understand. Through those consultations, including hearings, I believe, in eight or so different communities, we received over 1,200 different submissions from consumers, from business groups and other interested parties. As I mentioned, these proposals came about because we analyzed 40,000 different sets of information, whether they were complaints, calls, inquiries or other pieces of data, to bring forward our recommendations to the assembly for changing and modernizing the laws.

Let me give you some examples. Here are some third-party quotes: "Having participated in your department's consultations two years ago, we have been eagerly awaiting this legislative initiative." Now Mr Michael Janigan, the executive director of the Public Interest Advocacy Centre, should be happy because the consultations have come forward with a bill that is before the House and to date has received support from all parties.

Another quote from the Public Interest Advocacy Centre: "We are writing to congratulate you on the excellent and much-needed consumer protection law reform initiative Bill 180," CP21, "that you tabled in the Legislature last week." They "are particularly pleased to see that the right to access the publicly funded justice system, in particular via class actions, will be protected" through this legislation.

The Consumers Council of Canada, some folks I had in my office just two weeks ago to discuss consumer issues, are very pleased with this legislation and with progress through the assembly. I'm sure they would like to see it passed into law. Joan Huzar, the president of the Consumers Council of Canada, said, "Our organization has been involved with the development of this proposed legislation to provide better consumer protection since its initiation and applauds the government for its interest in helping promote fairness in the marketplace." So an important constituency group is supportive that has as their sole mandate the protection of consumers and getting information to consumers on how to deal in the economy.

There are some other issues that have been brought forward, one last night. Some may not be best put in a consumer protection piece; they're issues that we all react to, I know, but sometimes they have other homes. My colleague from St Catharines talked about the PSA test last night, the prostate test, which probably, on consideration, wouldn't belong in a consumer protection bill. I think it would belong in the Ministry of Health reviewing what tests work. It is a valid point. I think it's important for us to try to help those who have prostate cancer, obviously, or to help anticipate developments so we can treat them early on. But I think that's something that is best done through the health process rather than CP21. I appreciate the member's input on this important

issue but, upon review, I'm not going to move any changes to the bill with respect to the PSA.

I know there are other members on the government side of the House who are in rapt attention and who want to speak to this bill. I will just finally summarize some of the highlights as we go through this motion and then, hopefully, into votes for second and third reading, some of the major changes that I think will be important to constituents and taxpayers.

The 10% rule in this legislation basically says that if you get an estimate, for example, for a home repair, the final price would have to be within 10% of that estimate. So a situation where you were getting a home repair, for example, for \$2,000 and you get a bill for \$20,000 would not be allowed under this legislation. The maximum price would be \$2,200. Of course if you as the owner, as part of the contract, agree to—say you wanted to add a roof. If you're agreeing to that, then that would allow an increase in the price. But you'd have to agree to consent to that; no more lowballing the price and then coming back with a much higher bill. It's an important consumer protection. It currently exists in the auto repair sector. We're expanding it to other areas. Most importantly, I think, home repair is one area.

I had mentioned the 30-day delivery rule. It's common, currently under door-to-door direct sales, that if you feel intimidated by a salesperson at your door and sign a contract, then you would, as I mentioned, have a cooling-off period and the final good would have to be within, now in the legislation, 30 days of the delivery date. Previously it was two weeks for door-to-door sales; now it's to 30 days and, as I mentioned, for the first time Internet sales are going to 30 days. So regardless of when the contract was agreed to, if a delivery or performance commencement date is missed by 30 days without the consumer's consent in writing, then the consumer has a right to cancel that contract.

Time-sharing is a hot issue that we deal with often in our constituency offices. For example, a couple attends a time-share presentation and is bombarded with all kinds of promises of a glorious location, access any time they want, by a very aggressive salesperson. Exasperated and somewhat exhausted, they agree to buy, sign the contract and make a \$2,000 down payment and commit to a further \$8,000 down the road. But the next day, when they get home and read the contract in greater detail, they realize they will not be getting the location they had wanted or the time entitlement they had been promised based on the sales presentation. When they try to cancel the purchase, the seller refuses to allow the purchase to be cancelled. They hire a lawyer to help them out, but after paying thousands of dollars in legal fees, they can no longer afford to fight that claim.

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Unfortunately, under the current consumer law which I mentioned, most of which was developed in the 1960s and 1970s, this really wasn't anticipated, and as such, no specific concerns can be addressed through that legislation. Time-shares are not defined, and that leads to

confusion in the law, which is not of great benefit to somebody who is scammed in this particular area. Consumers do not have cooling-off rights under current legislation in that situation.

Under the proposed legislation that is before the assembly today, CP21, time-shares would be clearly defined and consumers would gain a 10-day cooling-off period within which they could reconsider their purchase and get out of that contract with no questions asked. Basically, it helps them to escape being victims of high-pressure sales tactics.

Mr Bart Maves (Niagara Falls): I've been in those sales meetings. They are high-pressure.

Hon Mr Hudak: You've seen that before. The member for Niagara Falls has been in them, but he outwitted them, obviously.

Mr Maves: I just said no.

Hon Mr Hudak: He's a clever fellow. But often people do fall victim to these types of scams, and we try to do our best to help. This legislation, if passed, will go a lot further toward addressing that particular issue.

Finally, as always, the enforcement side is very important. This legislation will help to more than double the fines. Whether it's individuals or a corporation, the fines will at least double. As well, jail times that can be assigned by judges will go up to the provincial maximum of two years less a day. We also bring some consistency to the time periods for prosecution. What often happens is that a consumer will bring a complaint forward about how they have been taken advantage of in some of the areas I've mentioned here before the assembly today, but by the time they take it forward to the complaint level and we begin to investigate, the time period expires to bring forward an effective prosecution. We are advancing and bringing consistency to that time frame to two years. That gives our prosecutors much greater ability to do their investigations and get retribution for the consumers who have been taken advantage of.

Lastly, we deal with three areas that the ministry has had a very strong relationship with, some of the biggest purchases people make in their lives: automobile, home, or a big vacation. This legislation deals with REBBA, the Real Estate and Business Brokers Act, as well as legislation dealing with the Ontario motor vehicles incorporation that helps to set the rules in terms of who can enter into automobile sales and the high standards that must be set to ensure there is confidence in that industry. As well, there are some enhancements to govern the travel industry. After all, if consumers are making large purchases in these areas, we want to make sure they are dealt with in a professional way and that if they are taken advantage of, they will have some sort of retribution, that there are disciplinary possibilities, codes of ethics, in these important areas.

Most importantly, having high standards will reinforce the confidence that people have in these industries. These strong councils, these strong administrative authorities, then will lend their reputation so that consumers will know that if they are going to buy a car or a house and

they don't get what they asked for, they will have some opportunities to get some retribution in those areas, and similarly for vacations. We've enjoyed our relationship with these authorities and we look forward to this legislation passing, strengthening their ability to deal in these areas and strengthening their relationship with the Ministry of Consumer and Business Services and the Ernie Eves government.

My last point in that respect is that this is also good for business. By ensuring that consumers have confidence in businesses and by weeding out those who take advantage and often bring unwanted media attention to an industry, it helps strong, legitimate operators to grow, to prosper and to hire more people. If you have a car dealer who is an unscrupulous operator who keeps selling poor vehicles to consumers, that hurts other dealers in that community and in the whole province. By having high standards, a code of ethics and such, we can help existing businesses, the vast majority of which are strong, legitimate operators, to grow, to flourish and to hire more people.

I hope we will see this motion pass today and it would be nice to see all-party support for Bill 180, CP21, consumer protection for the 21st century. There was a lot of effort, a lot of consultations. It's a good piece of legislation that will take a giant step forward in helping consumers deal with the top five scams in Ontario.

Mr Rick Bartolucci (Sudbury): On a point of order, Mr Speaker: To your right, one of the pages sitting down is Michael Schonberger from Sudbury, and I'd like to point out Michael's mother, Mrs Deb Schonberger, who is in the members' gallery today, and welcome her to the Toronto experience.

The Acting Speaker (Mr Michael A. Brown): That, of course, is not a point of order, but we welcome you.

Further debate.

Mr James J. Bradley (St Catharines): I was wondering whether the minister would get around to a couple of clippings I saw in the paper. He was quoting third-party commenters on his legislation. There's one, Jacob Ziegel, who is a professor emeritus at the University of Toronto faculty of law. He is not quite so complementary as some of the interventions the minister mentioned before.

Another one, from Bob Aaron, says, "Pointing Out 'Hudak's Folly.'" I don't know how he could come up with that. But he has this final paragraph, probably very unfair. The final paragraph says, "Hudak may go down in Ontario history as the minister who protected consumers from smooth door-to-door renovators, but in the real estate community, his failure to implement meaningful changes to the law is destined to be forever known as 'Hudak's folly.'"

I don't know why he would say that. I'll leave these for other Liberal members, since I know the member and I don't want to insult him personally with these other references. But I knew he had mentioned a couple, so I thought I might share with him a couple of other comments.

As well, since we're talking about a time allocation motion that allows a little bit of flexibility, I was pleased to see the member for Niagara Falls here. I was down at Niagara Falls just this past week when they were announcing the Liberal policy of proceeding with Beck 3. I remember it: I was down with Dalton McGuinty at the edge of the Niagara River. The mayor of Niagara Falls was there at the time. We were saying—once again—that we should proceed with the tunnel project and, ultimately, probably the full project at Beck 3. I want to tell my friend from Perth that government members were dismissing it. They said, "Well, we can't afford to do that; it's not practical at this time," and so on—many negative comments.

A few weeks later I'm down there and the government is announcing the same policy. I'm glad to see that conversion. The media asked me on that occasion, "Are you annoyed with them? What do you think of all this?" I said, "I'm always pleased to see them take the good ideas from the Liberal opposition and implement those ideas." So I want to compliment them on that particular project.

The Minister of the Environment has reappeared after his conference call on Kyoto that he was just involved in. I hope that in that conference call he was talking about matters of great importance and actually quoting the Environmental Commissioner of Ontario, who today—I know that Minister Hudak, who was purported at one time to be the potential Minister of the Environment and would have taken a different stance from the present Minister of the Environment, would be delighted to hear the Environmental Commissioner of Ontario, Gordon Miller, this morning say that the science is sound. Of course, the implication is that Ontario should be implementing provisions which would help reduce greenhouse gases. I agree—

Interjection.

Mr Bradley: We're in a time allocation motion, in case you're wondering.

I was very pleased as well that the minister extolled some of the virtues of the bill, because what happens is that people from radio stations or newspapers and so on phone us and say, "Isn't there anything the government does that's good that you would agree with?" I always say, "Call Tim Hudak. Call Bart Maves. They will tell you what a good job the government is doing. I'll help you out with the other side of it."

It's not as though we think everything the government does is wrong; it's just that I'm confident the government itself will tell us what a good job it's doing. In fact, Bob Aaron, who was writing this article for the Toronto Star, talked about "Hudak's publicity machine," so there must be something to that. No doubt once this bill is passed, as it will be because the government will rush it through, there will be government advertising to follow to tell everybody what a good job the government is doing. That will be at the taxpayers' expense and add on to over a quarter of a billion dollars that this government has squandered on self-serving, clearly partisan government advertising.

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By the way, I attended the other night a meeting in St Catharines of the Council of Canadians with Maud Barlow as guest speaker. Maude, as always, was very good, and there was a suitable, large group of people there who wanted to protect health care in the province. Again, when I think of consumer protection—it's a bit of a stretch, I realize that. The Associate Minister of Health is here at this time, so I can say this. People were concerned that there was going to be even more privatization of the health care system in this province. I hope that those on the government side, though they may be few in number, will counsel against this.

They worried, of course, that instead of providing money to Sunnybrook Hospital, money was provided to a private firm to provide radiation services. We notice that in eastern Ontario it's a private firm providing kidney dialysis services. We notice that the government now wants to have the private sector building and leasing back hospitals, and now the MRI machines and the CAT scan machines. So we're moving, in my view, step-by-step—not one huge leap but step-by-step—into privatization. I would call upon the consumer minister of this province to protect us from this movement toward privatization of the health care system.

I would also hope that there would have been something in this bill—the Toronto members will understand this and the member for Barrie who may take this route from time to time. The gouging that's going on on Highway 407 is something to behold. I looked through the bill carefully and I thought, "Where is the section on Highway 407 preventing the constantly increasing costs of using Highway 407?" I am told by people that it would cost you less in tolls to go from St Catharines, Ontario, to New York City than it would to go across the length of Highway 407.

And then there are the billing practices. I keep paying these bills and I'm wondering, "Didn't I already pay that bill?" They keep sending you a bill and you can never find the last bill. We all know you can never find the last bill. So you pay it, because if you don't pay it they charge you \$30 in addition to that and when it comes time to renew your licence they're using the hammer of the Ontario government on you.

I can tell you that my constituents phone to complain often about the gouging on Highway 407, the billing practices and so on, and I looked completely through this bill to try to find anything to protect the consumer and I can't find it. So I when I visit the member for Barrie and I have to take the 407 to avoid some traffic, I get gouged. Barrie is a wonderful place to visit, I know that and I know he believes that to be the case as well.

Interjection.

Mr Bradley: I say to my friend from Peterborough, I would like to use Highway 401 except it's totally clogged. One of the reasons for that is the lack of public transit that this government is responsible for. You will remember that consumers have to pay a lot more for public transit today because this government withdrew its

support for a number of years from public transit that provides an alternative for people who, not on every occasion, want to use their personal vehicle to get from one place to another. They would like that public transit that would reduce the traffic on the highways, that would stop gridlock and it would of course reduce the need for expenditures for widening such highways.

I note as well other consumers out there are people who are on the Ontario disability support program. Someone in my caucus will correct me, but I know that Mrs Dombrowsky has raised this issue in the House, that there has not been an increase since 1993 in the basic money or pension—whatever you want to call it—the support payments that are provided for people on disability. It's most unfortunate that that's the case, because they are facing all of these increased costs that are not protected in this bill. Though I want to tell the minister there are some good provisions in the bill, there are a number that are absent from this bill.

An increase in the Ontario disability support program is long overdue. I hope the government will announce this in the near future. Indeed, I ask them to announce it in the near future.

I want to note as well that there is a need to protect those who need Visudyne treatment. You will remember that I wrote letters to several Ministers of Health and raised it in questions in the House, in statements and speeches. Finally, the Minister of Health capitulated and said, "We're going to cover Visudyne treatment." This was two years after Health Canada approved it.

I was somewhat delighted on the first day of the announcement until I examined the restrictions that are placed on those who are to receive the treatment. First of all, it has to be age-related or you can't get the treatment. Obviously you can't be covered for that. Eighty per cent to 90% of the people I thought would be covered are not eligible, and you have to have lost 50% of your eyesight before you're eligible. Rather than taking preventive action early on, they wait until a person has lost at least half their eyesight. Those people, from the period of time Health Canada approved that treatment for use to the time the minister announced it, are out of pocket. Many of them had to sell or remortgage their homes. Many had to deplete their personal savings to be able to pay for that. I think the government has an opportunity to correct that. I hope they do.

I mention as well, as I must in every speech in this House, that there's a need in the Niagara Peninsula—and I heard Mrs Papatello, the member for Windsor West, raising the issue on behalf of the Liberal Party once again—and that is the dire need for family physicians and other physicians in the Niagara region at this time. People are retiring. They're departing from the Niagara Peninsula. Sometimes they pass on and are unable to receive treatment from a doctor. We desperately need them. In terms of consumer protection, there are a lot of consumers out there who are not getting the protection of having a family physician available to them. Those young people who have gone abroad to medical schools

and are now coming back, we have to find a way to speed up the process of allowing them to practise in Ontario without causing any problems, without lowering the quality, and I call upon the government to do that.

I now relinquish my time to the New Democratic Party and, I think, my friend from Hamilton West.

Mr David Christopherson (Hamilton West): It's an honour to follow my friend from St Catharines. Indeed, many of the broader issues he speaks of affect our geographical area in this large province, and I'll touch on those.

But let me just say at the outset that this is an awfully big bill to change very little, quite frankly. The proof of that is the fact that you don't hear either one of the two opposition parties clinging from the ceiling, going crazy about the bill. The only time that ever happens is when it's really not that important.

You're making some changes that are positive. Any steps you might take toward consumer protection would, by definition, have to be somewhat popular because supposedly you're protecting the public, but I'm not going to go on at great length because they're not that big; they're not that radical. It's not going to make that big a difference.

As my friend from St Catharines likes to point out, once a member becomes a backbench member of the government, they grow a third arm, and that third arm is of course to pat themselves on the back. I'll leave all of that up to you guys. You've got all the canned speeches and all the talking points for how wonderful you are. I'll leave it at that.

What I want to do in relation to this bill and in relation to the issue of consumer protection is talk about what you're not doing.

Hon Robert W. Runciman (Minister of Public Safety and Security): Come on.

Mr Christopherson: One of the ministers across says, "Come on." What did he expect when the government tables a bill of 162 pages that really doesn't do an awful lot?

I'm going to talk about what you're not doing, because those are the issues that really matter. The number one consumer issue in Ontario is what? It's hydro.

The other day after they made their announcement, I heard one of the other ministers say, when he came into the House and somebody said, "How's it going?" he said, "My phone stopped ringing." That's about the level of concern the government has with regard to consumers.

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I want to say a couple of things about your wonderful nine-point program. It should be called a nine-step program. First of all, people do appreciate the fact that the crisis you caused seems to be somewhat abating in that the bill in front of them is now not going to require people to make a choice between paying their hydro bill and food, paying their hydro bill and buying medicine, paying their hydro bill and maybe having any kind of family Christmas.

Do you know what's interesting about this? A couple of things.

First of all, people know that you're not doing them any favours, that this is full-fledged damage control and that you only did this because you had to.

Secondly—and it's an argument that often is difficult to make, my experience has been, but people have got this one, and they got it in one. That is that the cost differential between 4.3 cents and whatever the market dictates is still going to be paid to those private generators. They still get the money. It's not going to show up immediately on the hydro bill until—what?—2006, but people understand fully that that money has got to be paid. You've got private entities—if they aren't private now, you're planning to make them private—who are getting full market price, only it's coming from our general taxation. That money is going to be paid. But one thing you're not going to do is stand up and say, "We're going to deny any private entity making a profit off the backs of any potential suffering by the people of Ontario." You're not going to do that. So rather than make those private entities rich from the monthly bills, you're going to cap it, but that money has got to come from somewhere. People understand that you're either going to go into debt or you're going to have to find the money somewhere.

Mr Bert Johnson (Perth-Middlesex): That's where you're wrong.

Mr Christopherson: I hear one of the backbenchers barking that I'm wrong. Well, you may have a chance to speak after me; you stand up and look in the cameras and you tell the people of Ontario how your plan is not going to cost them one dime and that nobody's going to profit by it. I guarantee you, it's not going to happen. The fact of the matter is, that profit margin has to be paid for from somewhere.

Up until now, Ontario Hydro was in the hands of the public. Yes, it ran a debt, and yes, there's enough blame to go around as to where that debt came from and how we got into that position. But do you know what? At the end of the day, the *raison d'être*, the purpose for which that organization exists, is to provide power at cost.

Now, before you say, "It wasn't at cost," I acknowledge that part of that cost is the resulting debt that was there. No question. But the benefits of Ontario Hydro, notwithstanding the changes that needed to be made as time went on and as it got bigger, and one of the reasons that we in Ontario and we specifically who live around the Golden Horseshoe—the reason it's called the Golden Horseshoe and one of the reasons we are so successful and that that part of this province is one of the industrial-economic engines of the entire nation is because of the affordability and the reliability of hydroelectric power, through whatever means it's generated—the generic term of hydro power.

That's when you succumbed to the siren call of those who saw all that money and wanted a piece of it. And do you know what? It's the same kind of folks, because that's the kind of system we have, who are standing out

there in the private world drooling over getting their hands on workers' compensation, because there's billions of dollars there. The same with our health care system. It's still relatively foreign to us—although I have to acknowledge that appears to be changing a bit—that there would be hospitals whose primary responsibility is to make a profit for the shareholders. I mean, we still don't think of hospitals that way.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Bill 180.

Mr Christopherson: Pardon me? Yes, Bill 180. It's called consumer protection, and I'm pointing out why this bill is inadequate. You just don't like what I'm saying. There's a difference between you don't like what I'm saying versus its being out of order. The fact of the matter is, you don't like it. Too bad. It's my time, and I'm going to say what I think needs to be said on behalf of my constituents. That's the way this place works.

Mr Tascona: I'm listening.

Mr Christopherson: Well, that's good. The member now says he's listening. That's good, because a minute ago he wanted to shut me up. Now he's listening. We're making progress. There is hope—not much in this bill, but there is hope.

There are reasons why workers' compensation is within the public domain, why our hospital system and our health care system are within the public domain, and there are reasons why the hydro system has been within the public domain. If you sat back and wrote this story, one could never imagine that at the end of the day, where we are now, there could be an argument at all that this government could give that would in any way attempt to explain what you've done, the damage that you have done to individuals. You scared a lot of my senior citizens, a lot of vulnerable people, virtually everybody. You scared them. And do you know what? They don't have a lot of inherent faith that you get up every day and say, "What can I do for the majority of the citizens of this province?" People don't believe that. They can believe mostly what they know. They know from their hydro bill that you weren't looking out for them.

So while you want to stand up and say Bill 180 is this wonderful consumer protection bill, what people really want to know about is, when are you going to start dealing with the issues that affect people on a day-to-day basis and start protecting them instead of selling out to your corporate interest pals? Because that's what happened. Now there are some of you over there who like the idea so much that you want to do the same thing to our hospitals and our schools and WSIB, workers' compensation.

You don't have to be a raving leftie to accept the fact that it is in the public interest that certain aspects of our society and certain aspects of our economy should be there for the good of the broader public. You did this because your friends saw a chance to make a whole lot of money. It's not the first one. There are plenty of examples. Just take a look at your whole tax cut strategy, if you want to call it that. Now you stand up about how

many people are affected, but you know what? At the end of the day, the wealthier you are, the more money you get from the policies of this government. Only this one blew up in your faces.

The only reason you took any action was because this province was about to be paralyzed if you didn't do something. But you didn't do what really needs to be done, and that is to admit totally that the whole idea was a bad one and that you bungled it from beginning to end, that you've seen the error of your ways and that you are not going to do this—what is it currently? It's 49% you're going to sell, but not 51%, as if that makes some kind of difference at the end of the day. Just by the way, if you happen to be somebody who has a big enough chunk of that 49%, you don't think the Premier of a Tory government is going to be listening really carefully when they say they don't like what's going on? So don't be fooled that only 49% is being sold. The influence will be there; the demand will be there. That 49% will get a lot more than 49% influence.

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Yes, you're capping back to May 1. There's the admission right there: the day you brought it in, the disaster started. Your so-called plan of action goes right back to the day your first plan took effect, and you're still planning to give that excess money to whoever can get the most in the marketplace.

And while we're talking about the magic of the marketplace, let's just really look at what's going on here. This whole concept was based on—and I am talking about consumer protection, because you said the reason you were going to bring in your changes, your deregulation and privatization, was because consumers were going to pay lower rates at the end of the day because there would be more competition and the competition would cause prices to fall, just as if we had The Bay competing with Sears—it was going to be that kind of competitiveness. If you have one place selling a pair of jeans and somebody else that wants to sell you that same pair of jeans, they're going to sell them at a little less because they want your business. If they're willing to take a little less profit on each one, and they do things a little more efficiently, then they can afford to do that and that whole system provides competitive advantages to the consumer. Do you know what? In huge, overwhelming aspects of our economy, that's what happens, and by and large it works.

Here your thinking is that by opening it up to the private sector there's an opportunity for the private sector to come in and make money, and that's where the competition will come from. Let's just think about this. If somebody's going to invest the hundreds of millions, possibly billions, of dollars that it takes to open up a power generation system or plant, then they're going to expect a pretty decent return. I'm not aware of too many financial people who take a billion dollars and say, "We'll put it over there and we don't really now if it'll make any money or not, but we'll just put it there because it's a nice public service." No, they're going to

want a good return. How do they gauge whether they're going to get a good return? The first thing they want to do is take a look and see, "How much do we get for this product we're producing?" What they want to see is higher rates, because if there's higher rates there's more profit; it makes more sense to make the investment. But you said that competition was going to bring in lower rates. If it brought in lower rates, who would want to invest there, especially if they think the rates are going to go down over time? It doesn't work.

Howard Hampton told you two years ago it wouldn't work. You don't need to look any further than our own country, a neighbour province, Alberta, to see what happened there. There are other examples all across the United States where they're all backing up trying to undo the damage, just like you're doing. But you went straight ahead anyway and said, "It's in the interests of the citizens and the consumers." Howard Hampton and the New Democrats said, "That's not going to happen. You're going to hurt people," and that's exactly what you did.

I understand that some of the Enron people were some of the folks that you brought in to give you advice on how to set up this boondoggle—imagine. And they still didn't stop, they still went ahead and did it. What does that tell us? It tells us they thought they could get away with it. You knew prices were going to go up, but you hoped they would only go up a bit, enough that people would swallow, accept the rest of your spin and life could go on the way you wanted it to. But money doesn't work that way.

One thing I learned in the Ministry of Finance when I was there as parliamentary assistant for two years is that money doesn't have a heart or a conscience or a political affiliation. It just goes where more money can be made. That was the game plan here.

Do we need to look too far except the news every day to realize the importance of energy, whether it's hydro or oil, to understand the strength of the entities that have influence in the world on this issue?

Now you want people to believe that the whole thing from beginning to end was meant to be consumer protection, just like your Bill 180, that that's all you were doing. You got caught.

I have to say that I thought it would happen a lot sooner than now, given all the things that you've done. I didn't think it would take seven years for the majority of Ontarians to realize that you're not interested in the day-to-day life of the ordinary Ontarian, the majority of people. You proclaim it, but it doesn't exist in what you've done in policies, it doesn't exist in what you've done with your tax structure and it certainly hasn't shown itself in what you've done to Hydro. You're going to have a really tough time spinning around this one, just like you're going to get an avalanche of forces coming at you if you try to do the same thing to our hospitals or our health care system. You're going to see continuing pressure on you as a result of what you've done to the education system.

I listened to the Minister of Education today and, truly, I wondered what planet is she talking about when she talks about the priority of the government being to worry about our kids in the education system. We've never had so many crises in our education system. The whole point, of course, was to bleed it dry, strangle it, so that people would say, "You know, the public system isn't working any more. Maybe we should consider the private system."

This isn't rocket science. We know what you're doing. The same thing with the health care system—underfund it to the point where there's absolute crisis and then you stand in your place, just like Ralph Klein did a couple of years ago when he brought in private hospitals in Alberta, and you say, "Well you know, the opposition may think it's OK to have lineups at the emergency ward, but we don't and we're going to do something about it." John Snobelen should have been turfed from cabinet for giving away cabinet secrets when he said, and I'm paraphrasing, "I'm going to create a crisis to justify what I'm going to do."

This time you picked the wrong issue and you got really greedy in terms of taking care of your pals. So you got into a crisis. You've capped things, but everybody understands they're going to have to pay for it in the long run.

I would say to anybody who is watching this debate that as they hear government members talk about the virtues of Bill 180 and how wonderful this bill is and that everyone can go to sleep at night now knowing that the Tory government at Queen's Park is going to take care of all their concerns, they should keep in mind what's happening with hydro as we speak and they should keep in mind that we're at a crossroads with our health care system and that injured workers are still not getting the representation they should get, they're not getting the benefits they should get and that all of these things that are there for the broader public good and not individual gain have to be fought for and defended by every generation. The generation that says, "It's all done, I don't need to worry about it," is the generation that's going to let it go. I can tell you right now, the generation that is currently becoming aware—the younger generation—of the issues, are the ones who are going to lead the charge quite frankly to change the politics of this province. This whole idea that the strongest, the fastest, the richest, the best looking are the ones who get everything, and if you're not in one of those categories or some other artificial category that separates us as human beings, then too bad, you're just left out—that whole attitude, the one you have exploited for seven years, is coming to an end.

Whoever the next government is is going to have to spend an awful lot of time putting things in full reverse to do real consumer protection, because if we want to protect the consumers in Ontario, the best thing to do is reverse almost everything you've done. That would be good consumer protection, assuming of course that the absolute best protection is to guarantee that those smil-

ing, smirking faces over there are on this side of the House, or perhaps not in this House at all. We need a change. Bill 180 and nine-step programs for hydro are not what this province really needs. What this province needs is a change in government.

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Mr Tascona: I'm very pleased to join the debate today. If the public doesn't know, it's Bill 180, the proposed Consumer Protection Statute Law Amendment Act, 2002. This proposed legislation would consolidate and modernize six existing consumer protection laws as well as three sector-specific laws. This would provide clear, consistent rights and obligations for consumers and businesses.

Changes to three sector-specific laws are the Motor Vehicle Dealers Act, the Real Estate and Business Brokers Act and the Travel Industry Act. It would modernize rules about the most significant purchases most consumers ever make: homes, vehicles and travel. It would strengthen the regulation of those professionals who practise in these big-ticket sectors.

I would like to spend some time discussing our proposed changes to the Motor Vehicle Dealers Act, also known as the MVDA. One of the three statutes will provide consumer protection through the regulation of professional sectors. Changes to the MVDA are proposed with the objective of developing a practical and enforceable legal framework that would, if passed, do two things: (1) protect consumers' interests and (2) provide a level playing field for businesses.

Automotive spending is one of the largest sectors of consumer spending and an important part of the Ontario economy. Changes are also being suggested in the proposed Consumer Protection Act, 2002, also contained in Bill 180, that relate to automobile repairs. Because most of us have taken our cars to the repair shop at some point in our lives, we know what people go through when they don't know what's under the hood. The vast majority of automotive repair businesses are honest and legitimate. Unfortunately, there are people out there who like to take advantage of people, sometimes charging for shoddy, unnecessary or even non-existent work.

The Ministry of Consumer and Business Services received over 2,000 written and verbal complaints about motor vehicle repairs in the year 2001. Victims of these unscrupulous operators can be out hundreds or even thousands of dollars. We've all heard the stories from our constituents: the one who took his car in for an oil change and the shop ended up putting a new engine in without the consumer's consent; the one who took their car in again and again and grew frustrated when nothing ever seemed to get fixed; the one who paid an exorbitant inflated price for the parts they put in their car.

Here's a true example from the ministry's case files. When a consumer took his car into a Toronto area repair shop, he was told by the operator that the car needed a new engine. He was quoted a price that seemed reasonable and was told he would get a one-year warranty upon completion of the work. The consumer

was later told that he also needed a new fuel pump and that the radiator and starter needed to be repaired.

After the work was completed, the consumer did not receive a proper receipt or warranty, as promised. He was also not shown the old parts. When he took the car to another repair facility for an emission test, he was told that the engine had not even been replaced. The man contacted the ministry, and after the ministry investigators intervened, the repairer pled guilty. The consumer was given restitution and the repairer had to pay a \$1,000 fine. Scam artists like this not only hurt consumers, they also harm the reputation of honest, legitimate businesses in the automotive sector.

Some of my constituents who have had a bad experience at an automotive repair shop are quick to say that repair shops are a rip-off. In fact, in the vast majority of cases the opposite is true. But such bad experiences make people hesitant or skeptical in the marketplace—the exact opposite of what we want. We want a safe, thriving marketplace where people feel secure spending their money and businesses are expanding and creating jobs.

I understand the Minister of Consumer and Business Services did an event this summer at a motor vehicle repair shop. He offered tips for consumers to help them avoid scam artists. One of the top tips was to always get a written estimate before any work begins.

Here's another case taken from the consumer files at the Ministry of Consumer and Business Services: A consumer was quoted a price for repairs verbally but when he went to pick up his car the cost was almost \$600 more than the quote. With the help of the ministry, this consumer received restitution and the repair shop was fined \$500. This case shows one of the most common problems: the lack of a written estimate.

In this case the consumer contacted the ministry to complain. But that doesn't always happen. Sometimes consumers don't know where to complain or feel embarrassed about being taken advantage of. Bill 180 would make it mandatory for automotive repair shops to give consumers written estimates before charging for work, whether consumers request them or not.

Through Bill 180, if the shop fails to provide an estimate they would not be able to charge for the repairs done unless the consumer authorized in advance a maximum amount they were willing to pay. This would help prevent deceptive business practices and scams that some unscrupulous repair shops engage in.

Bill 180 contains a 10% estimate rule that would mean a consumer should not be charged more than 10% above the amount estimated in the consumer agreement. This provision already exists for motor vehicle repairs. Bill 180 would expand it to all goods and services. By requiring an estimate for motor vehicle repairs, we are closing the loop so that repair shops must provide an estimate and must honour that estimate within 10%.

Here's a common scenario. A woman takes her car into the shop because it's making a terrible noise. The mechanic tells her she needs a new muffler and gives her

a verbal estimate of \$200. Because the consumer has no idea what it normally costs for a new muffler, she willingly agrees to the price and the mechanic completes the job. But when the consumer gets the final bill, the total is \$450. The unscrupulous mechanic indicates that the extra \$250 is for parts and extra labour because she wanted a rush job.

Under the existing law, the repair shop has to honour the estimate within 10%, but in this case the consumer only had a verbal estimate. Because there was nothing in writing, there is really no proof of a \$200 estimate. Bill 180 would close that loop so that the consumer would automatically receive a written estimate.

This would help families trying to budget for vehicle repairs and other services such as home repairs and renovations. It would help with decisions about whether to buy a new vehicle or repair the old one. For example, if the repair shop estimates that it will cost about \$1,000 to repair your car, you might consider that worth it. But if the bill comes back and it costs \$6,000, you might have made a different decision. Under the proposed bill, however, the estimate would be binding to 10% above the estimate, meaning that the consumer would only be liable for \$1,100.

This rule is also designed to be fair to businesses. If the mechanic begins working on your car and discovers a more costly problem he or she didn't know about before, that wouldn't be included in the 10% estimate rule. The mechanic would have to get the consumer's authorization and provide another estimate before starting the new work. This ensures that the consumer is informed of the work being done and the costs involved, helping to avoid nasty surprises when the bill arrives.

Again, consumers also have the option of authorizing, in advance and in writing, a maximum amount they are willing to pay. That is the only scenario where the estimate and the 10% rule would not come into play.

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The 10% estimate rule is not only good for consumers, it's also good for business. The practice of lowballing quotes makes it very difficult for legitimate businesses to compete on price. The proposed new Consumer Protection Act, 2002, would also provide better protection to the many consumers who lease their vehicles by providing for more information on the final cost of leases. Leases used to be an almost exclusively business-to-business arrangement, but now many consumers lease these items, such as cars and computers. If passed, this bill will provide for regulation-making authority which could be used to ensure that the true cost of leases is disclosed to consumers.

Helping consumers make informed purchase decisions by proposing to provide for more disclosure during any transaction is an important point in Bill 180. Consumers should know what they're paying for. Many unscrupulous operators hide information in the fine print or use ambiguous language that is hard to interpret. The proposed Consumer Protection Act, 2002, would help combat this by requiring that information be disclosed

clearly and prominently, not hidden in fine print. The proposed legislation would also specify that if the language in a contract provided by a business is ambiguous, it would be interpreted in the interests of the consumer.

The proposed Motor Vehicle Dealers Act, 2002, is one of the three pieces of sector legislation that is included in the bill. This act governs individuals and businesses who buy and sell vehicles for a living. The proposed Motor Vehicle Dealers Act, 2002, will provide new protections for consumers buying vehicles. For example, the bill includes a provision to combat curbsiding.

Curbsiders are unregistered car dealers. They are called curbsiders because they often sell vehicles right on the side of the road. When buying from a curbsider, most people think the seller is the owner of the vehicle and they are simply selling a car they don't want or need any more. It's a reasonable assumption, but in fact a curbsider is not the owner of the car. They are often selling cars that have been written off by insurance agencies or mistreated cars that a legitimate dealer would not sell.

Unlike registered car dealers, curbsiders don't pay into the motor vehicle dealers compensation fund, which compensates the consumer in certain circumstances, such as where a dealership goes bankrupt before delivery of the vehicle. Under the proposed act, it would be an offence for a motor vehicle dealer to supply vehicles to a curbsider, and anyone convicted of curbsiding would be subject to a minimum fine of \$2,500.

The proposed Motor Vehicle Dealers Act, 2002, would enhance professionalism by allowing for codes of ethics. Discipline and appeal committees could be developed to deal with breaches in these codes. Registrants found to be in breach of their code of ethics could be fined up to \$25,000.

Bill 180 would also give the ministry greater enforcement powers to shut down scam artists, such as increased maximum fines at least doubled to \$50,000 for individuals and \$250,000 for corporations. Possible jail sentences under the proposed MVDA, 2002, would be doubled. Maximum terms of imprisonment would be set at two years less a day, up from the one-year maximum in the current MVDA and several other pieces of current legislation. The limitation period for commencing a prosecution would be set at two years, up from the one year under the current MVDA. The court would be authorized to order that a convicted person make restitution, and the regulator would have the power to freeze assets and order a business to stop using false or misleading advertising.

The Motor Vehicle Dealers Act is administered by the Ontario Motor Vehicle Industry Council, also known as OMVIC, an administrative authority designated under the Safety and Consumer Statutes Administration Act. OMVIC performs functions delegated to it, including registering motor vehicle dealers and salespersons and investigating any consumer complaints. OMVIC's mandate is to maintain a fair, safe and informed marketplace in Ontario by protecting the rights of consumers, enhancing industry professionalism and ensuring fair,

honest and open competition for registered motor vehicle dealers.

Throughout the development of the proposed new Motor Vehicles Dealers Act, 2002, OMVIC has offered ongoing recommendations and advice, which is very much appreciated by the government. This bill was developed in consultation with consumer groups and the motor vehicle repair sector.

In September and October 2000, the Ministry of Consumer and Business Services circulated a proposed paper on the reform of the Motor Vehicle Dealers Act. The proposed legislation was prepared following public consultation sessions in eight Ontario locations. Submissions from the public, practitioners in the new and used vehicle industry sectors, and a variety of other stakeholders, including the legal community, were reviewed to ensure the right balance was struck.

The proposed legislation was based on the important objectives of fairness and responsiveness to the needs of consumers and businesses, as well as flexibility to adapt to the future needs of the Ontario workplace.

Bill 180 would help prevent people from being taken advantage of by ensuring that consumers have enough information to make informed decisions, giving consumers greater ability to cancel contracts in certain situations and providing clearer laws so consumers and businesses know what their rights and obligations are.

In closing, this bill would update consumer legislation to provide a clear, efficient, flexible, up-to-date set of rules for consumers and businesses alike. As MPPs, we all want to help prevent our constituents from being taken advantage of. We want a safe, secure marketplace as well as a level playing field for businesses. This bill would help provide that.

I am pleased to support it, and I hope my colleagues on the other side of the House will also support it.

Mr Bruce Crozier (Essex): I'm not really pleased today to stand and speak to this time allocation bill, because this is becoming all too common in this Legislature. I see now that any of the time allocation motions that come before this Legislature have come with regularity, and not only that; they are worded such that there is no third reading debate. I have come to the conclusion that this must be the most undemocratic Legislature in the Dominion of Canada.

Having said that, I do want to make a few comments about Bill 180, the Consumer Protection Statute Law Amendment Act, and perhaps more explicitly what isn't included in this act. When it comes to consumer protection, there are a number of areas in which we need protection for consumers in this province. For example, in Prince Edward Island they have consumer protection on gasoline pricing—the small province of Prince Edward Island. Yet here in Ontario, almost since the day this government was elected back in 1995, they've spoken and done nothing about protecting consumers from gasoline gouging.

I suggest that as part of this bill it would have been very easy for the minister to have included the main parts

of my private member's Bill 163. Just to remind you and my colleagues in the Legislature today and the folks at home, my Bill 163, introduced on June 26, was An Act to provide information to consumers respecting the price of gasoline and the ownership of gasoline retailers and to require certain additional information from major oil companies. When I mention major oil companies, I can remember when the former Premier, Mike Harris, said, "I'm going to bring those major oil companies to heel." Well, you know what he brought them to heel for: he needed their contributions to their fundraising. That's the only coming to heel there was. They've done nothing about protecting consumers against gasoline gouging in the province of Ontario. I challenge anybody over there during the course of this afternoon's debate to suggest to me one thing they've done to back up all the rhetoric from them about protecting consumers in that area.

This government kicked off one of its fights, as it put it, against high and volatile gasoline prices with the Ontario Gas Prices Review Task Force. What a tidy little title: gas prices review task force. The task force, as a matter of fact, came back with a number of recommendations for the provincial government to act upon for fairer gas prices and for consumers. I remind you that this was a task force of government members, highly publicized when it was first announced. It came back with recommendations, yet three years later, this government has refused to act upon those recommendations. By golly, if I were one of the backbenchers who worked on that task force, who made the recommendations to this government, I'd be some upset that they wouldn't consider the time and the effort and the money that went into that task force. Yet they've declined to act on any of the recommendations.

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Even more to my sorrow is that those members on the task force don't even speak up. I don't know what the effort was all about if they weren't prepared to do anything. As I said, I took that government task force report and prepared Bill 163, the Gasoline Consumer Protection Act, and I urged the government to simply act on its own advice. As yet, the government has refused to do so.

Consumers across the province are paying exorbitant rates for gasoline on some given days. Other days the price is lower, but certainly not as low as it was a year ago. Last fall the average gasoline price was 66.9 cents. It went as low as 57 cents. One year later, prices have risen almost 10 per cent. Recently we've paid as high as 75 cents. Today, perhaps—I haven't been out on the highway since Sunday—I understand, yes, gasoline prices are down in the mid to high 60s. But even in a quick glance across the province you will find that gasoline prices are exorbitantly high. For example, in the north, and as you come along 401, when they feel they have you trapped and when they perhaps feel they have tourists trapped, they charge even higher prices.

I'll get to the recommendations that my Gasoline Consumer Protection Act has in it and that I urge the government—it's not even too late because we are going

to have one day to deal with amendments—to amend the act and include your own recommendations in it. There were a number of recommendations in it, but I think the more important of those included this. It would force retailers to advertise a change in the price of gasoline at least 72 hours before the change takes place. What does this give us an opportunity to do to protect ourselves? Well, we can go and fill up with that 40 to 50 litres of gasoline that we need to get us through the next couple of days. It would give the consumer an opportunity to take advantage of gas prices as they are going to be proposed in the next few days. It would force retailers to indicate their affiliation with major gasoline retailers because, I think, all too often consumers in this province think they're dealing with an independent gasoline retailer. They may want to support an independent against these major oil companies, and yet we find out that the gas station is in fact either owned or controlled by and/or supplied by one of the major oil companies, of course.

An important part of this bill that I would urge the minister to include, if he were really interested in protecting consumers in this province, would be to force large oil companies to disclose their earning reports. They're private companies—many of them have public shares in the companies—but it would require that these major gasoline producers have their earnings published by the various ways that these profits were attained; for example, through the sale of gasoline. Many of the major oil companies, as we know today, have convenience stores with them, so it would also separate that part of their earnings. It would also indicate to the public how much of their profit came from the making of the gasoline. So it would be much more transparent and people would be able to understand where it is, in fact, that they were probably being gouged.

In summary, on the gasoline pricing side for consumer protection, it would go a long way toward protecting consumers from unjustifiably high prices. And I repeat: it would give consumers some confidence in this minister so that they would really feel that he was protecting them in the area of high gasoline prices.

In the minute or two I have left, there's a particular part of the bill that has been pointed out as being faulty. In an article, "Pointing Out 'Hudak's Folly,'" Bob Aaron of the Toronto Star has zeroed in a part of the real estate sales in this province in which the consumer has absolutely no protection. This law, if passed, and I have little doubt that it will be, will "leave buyers of more than \$3.25-billion worth of new homes and condominiums unprotected from sales staff who, by law, are not required to be trained, licensed, insured or supervised."

We all know that real estate agents and real estate brokers have to be licensed, educated, bonded and/or they have to have errors and omissions insurance, all of this to protect the homebuyer. But what happens in the case of three and a quarter billion dollars' worth of new home sales in this province? There's absolutely no protection. Those selling these homes don't have to be educated about real estate; they don't have to carry

insurance to protect the buyer if, for example, they are not totally honest with the buyers. We think, on this side, that's an area of sales in this province that should be protected. We have real estate brokers and agents who go out of their way to serve the public and, in their business, and to protect the public, and yet this minister will write a bill that will let real estate sales take place where there's absolutely no protection. I don't think that's fair, certainly to the consumer, and I think if this minister were serious, he'd propose some amendments that would protect against that.

Hon Mr Hudak: Oh, come on, Bruce.

Mr Crozier: If the minister isn't serious, because he says, "Oh, come on, Bruce"—if you don't want to protect them, we do. So I'll propose some amendments, and I certainly hope that the minister will look at those amendments with some serious thought.

Mr Rosario Marchese (Trinity-Spadina): I'm happy to have this opportunity to speak, even on strangulation motions, those motions that come forward to choke off debate. Even on those I'm happy to be here to debate.

I want to tell you, Tim, I've got some concerns around this bill, but not the same ones that others have talked about. Yes, people have talked about cable companies, hydro, gas, banking, real estate and on and on. I want to say to you: it's a good step, Tim. No complaints about that, really. We can always find other areas of omissions that should be included, for sure. Peter Kormos spoke to those and the previous speaker spoke to some of those, and others, for sure.

I've got one little complaint that I want to speak to you about. That little complaint is that you've got to deal with that typeface. You know that small print stuff? Two years ago I started wearing glasses, and then I realized how age is just passing me by. I'm getting older. I've got to tell you, Tim, I don't like it. When you start wearing glasses, you realize in what bad shape you are or could be, and when you've got to read the small print that even with glasses you can't see, you're in real trouble. I've got to tell you, when those contracts come to the door—whatever it is, whether it's for some loan from some bank or some insurance or some deal when you're buying a car or some real estate when you're buying a house—do you notice how small the print is in some of those contracts? Tim, do you notice how small that print is?

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Hon Mr Hudak: Yes.

Mr Marchese: It's really small. You've got to deal with that. Don't you hate it? I really hate it; I really do. When I see those contracts and that small print is really this tiny, I get nervous and I get upset. Don't you get upset? I'm sure you do, Tim. A lot of consumers out there, when they get that stuff, what do they do? They probably throw it away. If they don't throw it away, they probably put it in some drawer. Why? Because you could never read those contracts. So unbeknownst to most consumers, there is a heck of a lot of substance in that little print that nobody ever gets to read—no one. I'm convinced, Tim—I'm not alone—a whole lot of con-

sumers and citizens and taxpayers watching this program today probably say, "Yeah, right on." We've got to deal with the type. It's got be bigger so that those of us who are having a hell of a time reading it can read it, or at least begin to read it or at least not be discouraged from reading it because the type is too small. Do you agree?

Hon Mr Hudak: It's in the bill.

Mr Marchese: It's in the bill? You deal with the font, the small print? Come on. Make the reference, help me out. This is a big bill, right? I'm sure you've had a chance to read it. I know that some of your colleagues have the time to read it. I know how much your colleagues read.

Mr Maves: Talk about hydro or something.

Mr Marchese: I will, I'll get to hydro, if I can, because I've got so much else to say that is really critical. But, Minister, if you tell me the page that relates to the issue of small print, let me know before my time is up. I've got 20 more minutes. OK?

Hon Mr Hudak: Yes.

Mr Marchese: Thanks a lot. But here's my real beef.

Mr Maves: You've got a lot of beefs.

Mr Marchese: I do have a lot of beefs, it's true. But one of the most important concerns that I have and consumers have is that you are shifting the responsibility of a remedy when you have been either abused or mistreated or fooled or deceived or tricked. You're on your own. You are leaving the burden of their own protection on their backs, on their limited abilities to understand the scam; second, once you've understood it, having the capability and the resources to follow through. So citizens, consumers, are effectively on their own.

What the minister urges, in effect, is that they educate themselves about their rights and to take up their own causes in the all too frequent cases where they have been taken advantage of. You are asked, citizens who are watching this program, to educate yourselves in order to protect yourselves. How is it that even those who have a good education, have degrees, are professionals, get scammed as well as those who have little education, little by way of being able to read through these thousands and thousands of pages that you get at the door, or even a couple of pages that you get at the door? How would you ever be able to sort out what's good and bad, what's right and wrong, what's deceit and not deceit, whether you're being taken advantage of or not? How are you ever to know? But that's what the minister is asking you to do. He's saying to you, "Educate yourselves, because that's your best protection."

OK. I don't disagree with the minister. The fact of the matter is, for a variety of reasons, whether you have little education, whether you don't have the time to sort through things as often as you should—and yes, maybe you should spend the time. But for whatever reason, whether it's education or lack of time or whatever other problem prevents so many of us from reading through that fine detail, we're on our own. As we are in so many other issues that we face, often we are on our own.

My point to Tim Hudak, the Minister of Consumer and Business Services, a ministry that I suspect thousands and thousands of people in this province have no clue about—dare I say, I suspect millions of people don't even know this ministry exists. They don't have a clue on how to even reach them, to be able to say, "Minister, what we need is a consumer watchdog to help us out." This minister—not him alone, but any minister really; I shouldn't have said "this minister." What the minister should be doing is helping with the educational process about how you could be undone, what the possible scams are in any field, what you can do to protect yourselves. Here are the remedies, and here is my ministry doing that because we care and we want to protect you.

They do no education. And it isn't just this ministry; it's most ministries, to be fair. When you're dealing with consumer issues, where scamming is getting bigger and bigger and wider and wider, the ministry, this one, called the Ministry of Consumer and Business Services, ought to be spending a couple of bucks, at least a couple of bucks, to say to the public, "Here's where we are. This is what we do. By the way, this is what this new bill does. Here are your protections, and here are some examples of how you can be scammed. And if you are being scammed, we are here to help you."

They don't do it. They'll never do it because that's not what it's about. What it's about is releasing a bill that's called An Act to enact, amend or revise various Acts related to consumer protection, basically saying to you, "We're about to protect you," and off you go. Nobody has a clue what they're doing or what they've done except for two pages they sent out to the various media across Ontario. That's the extent of consumer protection. The majority of people don't have a clue what you're doing.

The only remedy that they have is what they can do on their own to protect themselves, and after that they're on their own. We need, Minister Hudak, a consumer watchdog, someone whose job it is to keep an eye on the scams and the scammers so that when consumers are undone, deceived, scammed, they have someone who would be there to defend and protect them and help them to achieve the remedy that they so desperately, in so many cases, need. That's really the focus of what I want to speak about today.

I want to mention another group that deserves mentioning. It is in line with what I'm saying about how consumers need desperately to have someone who defends them because this bill helps in part and does not help in so many other areas which are not covered. To help the consumers in those areas where this bill does help and to help the consumers where this bill does not speak to, if you had a consumer watchdog, that person would be able to genuinely help consumers when they're being scammed.

For the investment that it would take, I think the minister would be well advised to look at it. I'm not sure what the cost would be, but the savings for the consumers would be great. The headaches, the emotional wear and

tear that anyone and everyone who has experienced this, and has gone through the process of trying to defend themselves against a deceitful proposal that has been made to them—they know what it takes to defend one's self, and it isn't easy. In most cases you lose because you're up against people who have money. Most scammers have money—many of them, big corporations; some of them, small-time operators, no doubt. But big scammers often are big corporations with money to defend themselves, and if you are on your own with little time and little money, you ain't gonna make it and the corporate scammers will get away.

1700

I want to speak in defence of a group that's been doing some work for the last 10 years to defend consumers in a society where we have very few watchdogs. This group is called Democracy Watch. I've dealt with them. Many years ago they were part of my Fort York small business working group. This group has been doing tremendous work with so few resources, all because of the work of a couple of individuals who are so dearly committed to the protection of consumers.

"What is a citizen utility board? A citizen utility board (CUB) is an independent, non-profit organization of residential utility ratepayers. CUBs exist in four states in the US, and the first CUB was organized in Wisconsin in 1979. CUBs advocate for fair telephone ... electric, gas and water rates, and sensible energy policies before" regulators, "the government and the courts."

Wouldn't it have been nice, while this government deregulated our hydro rates, to have had a citizen utility board that would have been there to defend the interests of all those individuals who were being scammed by the multiple retailers that were out there selling you their hydro?

So many of you have been scammed. We know, and we have told you, because we have read many of your letters. If we had a citizen utility board, they would have been out there defending your interests against the scammers, against this government that had no regard, that took no measures to anticipate the scams that would be out there, that let the retailers loose on you unsuspecting clients, this government that expects you to educate yourselves while they free themselves of the burden of oversight because it's up to you to protect yourselves, not up to the government. If only we'd had a citizen utility board that would have been there to protect you against the scams of this government and those retailers.

"Individual CUBs can be set up for each utility or one CUB can be set up to advocate for some or all utility ratepayers together." The CUB model can also be used in other industry sectors to set up consumer advocacy groups. Some people have asked, "What is the difference between CUBs and other ratepayer groups?" Here's the answer: "The key to CUBs is the right, by law, to enclose a flyer in utility companies' billing envelopes. This flyer informs consumers about the CUB and invites them to

join for a nominal annual membership" of 10 to 15 bucks.

The member from Niagara Falls is perplexed by the suggestion. If he's not perplexed, he certainly was in severe consternation. He always enjoys my speeches—I have no doubt of that.

They would be invited to join these citizen utility boards for a nominal fee of 10 to 15 bucks, not a lot, not much to have your interests protected from the scammers. "Piggybacking" the CUB flyer with the utility bills is an ... effective way to reach ratepayers" at little or no cost to governments or utilities. It would be no cost to you, to governments. It would be no cost to utilities. It would be a voluntary cost of 10 to 15 bucks to join. It's not a lot for the benefit of having an organization such as the citizen utility board defend your interest.

Mr Maves: Ten to 15 bucks a month?

Mr Marchese: It's an annual membership fee of \$10 to \$15 a year.

Mr Maves: I thought you said a month.

Mr Marchese: Ah, you were concerned about a monthly fee. Very good. It's not much. You don't think that's a lot, do you?

Mr Bill Murdoch (Bruce-Grey-Owen Sound): Get to your point. We're running out of time.

Mr Marchese: Hold on, Bill. I've got seven more minutes; I've got a lot to say. Please.

"What does the CUB do?" some people ask. Every year, the utility companies spend millions to advocate for higher utility rates, don't they, Bill? They do; they want to squeeze you a little every year. Ironically, the cost of the utilities' advocacy is passed on to consumers through their utility bills. Don't they do that, Bill? They squeeze us day in and day out.

The citizen utility boards give ratepayers a way to fight back. By pooling their resources, CUB members hire their own professional staff of lawyers, lobbyists and organizers to challenge unfair rate hikes. Doesn't that strike you as a good idea, as a cheap way to have a board defend your consumer interest? It would be something the Tories would love—a citizen utility board that would protect the interests of the taxpayers. It's something that I think you would want to gobble up immediately and say, "Here's an idea. We're going to take it on."

But I don't see Tim Hudak, the Minister of Consumer and Business Services, taking this idea too readily. Maybe other members might; I'm not sure. Who controls—

Mr Maves: Shouldn't the elected councillors look after that?

Mr Marchese: No, not city councillors. This is a provincial responsibility, something that falls on our provincial shoulders. I'm telling you, member from Niagara Falls, it isn't something that would cost you a penny. It wouldn't cost anyone a cent, except those people who want to voluntarily join for 10 or 15 bucks a year to protect their interests. You'd like that; I'd like that. Ten or 15 bucks.

Who controls the citizen utility boards? Ratepayers who join a CUB control the group through the election of regional delegates and its board of directors. The board hires the CUB's professional staff and determines the group's policies. CUBs are democratic organizations.

How are CUBs funded? Again, for those who missed it the first time, CUBs are funded by voluntary contributions from the ratepayers. CUBS, the citizen utility boards, do not receive any ongoing funding from government or utilities—again, no cost.

Mr John Gerretsen (Kingston and the Islands): Who's going to voluntarily give money to them?

Mr Marchese: Mr Gerretsen asks who's going to voluntarily give money to them. You may have missed the first part: they have it in four states in the US and they voluntarily give money so that they can protect themselves. The problem is, unless you as a former lawyer—if you ever get on the other side, as a lawmaker then, you'd be able, by law or through some other measure, to force the utilities to send out these forms in the utility bills, and you as an individual decide on your own whether you like the idea or not.

Who's going to join? The ones who need protection from the ones who scam you. You know, you've been arguing about the same thing you and I have been talking about. Aren't you concerned about scams? Who's going to protect you? You, the government, are going to do this on your own?

I don't think that on their own the Liberals would find a mechanism to enforce this. I'm saying to the Liberals as well, we need a consumer watchdog, we need a citizen utility board of this kind that can easily flow into this kind of bill to protect you and me—to protect the consumers, to protect the taxpayers, to protect those who don't like themselves to be seen as taxpayers, to protect you as a citizen, which is the way I love to see people—more as citizens than as taxpayers.

1710

How are CUBs created? CUBs can be created by an act of the Legislature, Mr Gerretsen, or by an order of a utility regulatory commission. It's not hard to do. Some action by the government is usually needed to allow the CUBs access to the utility's billing envelopes and to provide funding—a grant or a loan—to print the first flyer. That's all you've got to do. It's not much; it's not expensive.

You would think that these 10 Conservative members on the other side would be paying attention to the suggestion, but they're so busy there. They're reflecting on so many other problems they've got, they can't even think about taking a suggestion that would even help them. It would be good for them, because their taxpayers would love it. If Ted is next on the list, if he's got his prepared speech, he can re-route his comments a little bit and speak to the citizen utility boards. Ted, if you're up, please, throw away that speech and say what you want to say. Just throw away the speeches; I'm sick of them.

Mr Ted Arnott (Waterloo-Wellington): I appreciate your advice.

Mr Marchese: I give you advice as often as I can.

Where have CUBs been established, Mr Gerretsen, is a question you might—

Mr Gerretsen: I can't answer that.

Mr Marchese: I'm going to answer for you. There are now CUBs in full operation in Wisconsin, Illinois, Oregon, and a local CUB called UCAN in San Diego. The Wisconsin and Illinois CUBs were established by the state Legislatures in 1979 and 1983, respectively. State Legislatures—you can do it too. The Oregon CUB was approved in a binding referendum in November 1984. San Diego's UCAN was set up by the order of the state public utilities commission in 1983.

What is the track record, you might ask, of CUBs? CUBs have been very successful. Their membership and savings to consumers are as follows: Wisconsin: 60,000 members and savings of over 100 million bucks. Not bad. Illinois CUB: 170,000 members and over \$4 billion in savings. Tim, think about it. Oregon CUB: 10,000 members and \$124 million in savings. Tim, are you listening?

Hon Mr Hudak: I heard that.

Mr Marchese: UCAN: 24,000 members and \$265 million in savings. Mr Gerretsen, are you listening? Do you see all the savings we can have by merely instituting citizens' utility boards? Consumer watchdogs is what they are. They're designed and they're there to protect the interests of the consumers.

I congratulate Democracy Watch for all the work they're doing with such a small staff. They've been doing so much on their own.

I plead with you citizens who are watching: this is one area where you can press this government and say, "We need real consumer protection. We need a consumer watchdog. We need a citizens' utility board type of watchdog that will protect our interests," because I've got to tell you that Tim Hudak and his government are not going to protect you; you are on your own.

Hon Mr Hudak: On a point of order, Mr Speaker: The member just asked for me to get back to him on his speech with respect to the fine print. I would refer him to part II—

The Acting Speaker: That is not a point of order. Further debate?

Mrs Julia Munro (York North): It's my pleasure to speak in support of Bill 180, the proposed Consumer Protection Statute Law Amendment Act, 2002.

We've heard in the House over the past few weeks about how important this bill is in order to update the province's consumer protection laws to ensure continued consumer and business confidence in Ontario.

One of the things we have talked about is how important it is to give consumers the tools they need to protect themselves against scams. Scams can cost consumers hundreds or even thousands of dollars, and I understand the Ministry of Consumer and Business Services gets over 40,000 complaints a year.

I know the minister has said many times that it's important for people to read the fine print. Some un-

ethical business people hide important details of their transactions in the fine print and these details, such as a processing fee or a delivery charge, can be very costly for the consumer.

Other scam artists simply don't provide information. For example, a consumer who orders a product over the Internet but never receives it may discover that the Web site does not provide a business address, and the consumer never receives a contract or a receipt of the transaction, so the consumer has no idea how to reach the company. Also, they have no written proof that they've paid for the purchase.

Sometimes a lack of information isn't meant to deceive or defraud a consumer, but it can cause problems. For example, a consumer might assume a price is listed in Canadian dollars, only to get a shock when the bill arrives and learn that it was in American currency. The bottom line is that we want to ensure that consumers have clear, complete information so that they know what they are getting into and make informed decisions. This will result in greater consumer confidence, which is good for business.

Bill 180 would require that information be disclosed clearly and prominently, not hidden in fine print. I'd like to take a couple of minutes today to talk about these new disclosure requirements, particularly as they pertain to Internet purchases, and also in other types of contracts. With the Internet disclosure requirements, the province has worked together with the federal Competition Bureau, Industry Canada, as well as the government of Alberta, the government of Quebec and 13 major national business and consumer groups.

The Ministry of Consumer and Business Services formed a working group on electronic commerce and consumers. The group developed a national framework on consumer protection for electronic commerce. The principles are intended to guide the actions of businesses, consumers and governments in developing consumer protection for electronic commerce over open networks, including the Internet.

All of these principles are embraced by the government of Ontario, and those that are most appropriately dealt with in provincial law have been incorporated into the proposed Consumer Protection Statute Law Amendment Act, 2002. They include provisions that would permit a consumer who buys on-line to cancel a contract within seven days if that person has not received the full disclosure the business is required to make to the consumer. The federal-provincial-territorial agreement on Internet sales sets out what must be disclosed with respect to Internet sales. The details of the required disclosure would be set out in the regulations under the proposed Consumer Protection Statute Law Amendment Act, 2002.

Let me tell you about it. Disclosure, under this agreement, means the supplier is required to give the consumer some very specific information before a consumer enters into an Internet sales contract. This information would require the supplier's name to be included and, if it were

different, the name under which the supplier carries on business would be included. It would also require the supplier to provide a business address, telephone number and e-mail address. A full disclosure would require the supplier to provide a fair and accurate description of the goods or services being sold. The bottom line is that it requires the supplier to provide appropriate financial information, including an itemized price list of the goods or services being sold to the consumer; a description of any additional charges that could apply to the contract; the total amount of the contract or the amount of any periodic payments; and the currency in which amounts are payable. This last point must seem self-evident, but it is astounding how many people have reported buying goods they thought were sold in Canadian dollars, then getting a shock when they found that their credit card had been debited the equivalent in US funds. The proposed Consumer Protection Statute Law Amendment Act, 2002, represents Ontario's first steps in implementing the national harmonization agreement just described.

In August of this year the Ministry of Consumer and Business Services announced the result of a surf-and-sweep operation. Staff at the ministry searched the Internet, looking for any Web sites they believed to be misleading, deceptive or fraudulent. The results were very interesting. As in other areas, there are not a lot of Internet scam artists operating in Canada—current estimates say about 3% of the world total—but those that do exist are known to go for rapidly expanding pieces of the consumer pie.

Ministry investigators located 18 Canadian sites they thought looked as though they may contain information that was misleading or deceptive. They found that nine of the sites were based in other parts of Canada and the US. These files were forwarded to the appropriate agencies for investigation. Of the remaining nine, six files were found worthy of further investigation by the ministry. At the end of this three-day, surf-and-sweep blitz, three businesses agreed to pay restitution to consumers, and in one case the ministry laid charges under the Business Practices Act.

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We know that many of the consumer scams operating on-line have to do with financial industries. The Internet sweep shows that one of the most common on-line scams is related to credit repair, particularly businesses that claim they can fix a bad credit rating for an upfront fee. Others include advance fee loan scams in which the consumer pays an upfront fee in order to get a loan which never materializes. It is illegal to charge a fee in advance of providing a loan.

This gives a sense of the kind of information that is being provided through those kinds of legislative initiatives in Bill 180.

I would just like to take a moment to respond to some of the concerns that have been raised with regard to the issue around new homes. Here I think it's important to recognize that the proposed Real Estate and Business Brokers Act, 2002, does not cover the sale of new homes

by developers. That's because it is not intended to address developers selling new homes, which account for less than 1% of the complaints received by the ministry.

Issues related to new home sales are addressed by the Ontario New Home Warranty Program. The ministry has been actively working with the Ontario New Home Warranty Program and its stakeholders to ensure that the program and the legislation it administers provide the necessary protections to new homebuyers in today's evolving marketplace. The Ontario New Home Warranties Plan has broad criteria for registration to ensure the builder acts with honesty and integrity. I think it's important to make sure there is not continuing confusion over that issue.

Finally, I'd like to speak for a brief moment on the area of enforcement of this act. To date, enforcement powers vary among the six core consumer statutes being consolidated under this proposed Consumer Protection Statute Law Amendment Act, 2002. The government is proposing that enforcement powers in six existing core consumer protection statutes be consistent. The consolidated list of enforcement powers under the bill includes investigation, including the power to make application for search warrants, compliance orders and orders to freeze assets and cease false advertising.

Another key area of consistency in the bill is the creation of a single limitation period where charges can be laid. For example, under the current Motor Vehicle Repair Act, a prosecution cannot be commenced more than six months after the date on which the alleged offence was committed. Under the current Business Practices Act, the limitation is no more than two years. Under this proposed bill, the limitation period would be standardized at two years from the time the ministry becomes aware of a specific matter.

I think you can see from this that the proposed legislation would also provide the courts with the ability to require offenders to give consumers restitution.

With the new disclosure rules proposed, consumers will be better equipped to enter contracts, whether on the Internet or in traditional modes of commerce, with their eyes wide open.

If Bill 180 is passed, both businesses and consumers will have a clear sense of their rights and obligations, leading to fewer scams and fewer misunderstandings. I am pleased—

The Acting Speaker: Thank you. Further debate?

Mr Joseph Cordiano (York South-Weston): I am actually very disappointed that this amendment act, the Consumer Protection—

Mr Murdoch: You are not.

Mr Cordiano: I am disappointed. I am very disappointed because, frankly, I thought the minister was going to include the bill I brought forward protecting consumers with respect to credit reporting agencies. That bill was passed in private members' hour by this assembly, unanimously, I might add, and supported by all three parties. I introduced my bill over a year ago and I thought perhaps there might have been an opportunity for

the minister to include some protection for consumers when it comes to information that is terribly critical to them, and that is their creditworthiness.

With regard to that, the bill I proposed sought to ensure that there was greater accountability with respect to credit reporting agencies to disclose information promptly and to rectify any errors that were made in a consumer's report regarding their credit. It would have given better protection to consumers, providing greater access to information that was used in the determination of their credit scores. Furthermore, it would have educated consumers by ensuring that credit reporting agencies made available to consumers access to their own agents by a 1-800 number so that they could be better informed about how credit scores are arrived at.

Finally, it would also ensure that consumers were not penalized, that the credit score was not downgraded each and every time a consumer shopped around for better credit status or better rates with respect to a mortgage or in the application of a credit card. Obviously, today people shop around, so this is very, very important. Creditworthiness is not something we should take for granted, particularly those who are starting off: younger people, students getting a student loan, for example. They may have had one during their time at college or university. Then they go out and work for a living and apply for a mortgage. It might be the first mortgage; it might be the first loan to buy a car etc. Credit history is absolutely critical to their success or failure in life, I would argue.

Let's talk about entrepreneurs, for example, someone starting off a new business. Creditworthiness is something you cannot take lightly. It needs to be at the highest level to ensure that you have access to credit and loans you need when you're starting a business. Tenants, for example, absolutely have to have a good credit rating when they're applying for a good place to live, a rental unit. A landlord will check the credit rating, the creditworthiness of the applicant. If there's an error in one of these reports—as I pointed out many times in this assembly when I introduced this bill, these errors occur all too frequently. Therefore it is absolutely critical that these credit reporting agencies keep their records up to date.

This isn't happening, as I've pointed out. In 2001, the registrar for credit reporting agencies recorded a total of 2,174 complaints regarding credit reporting agencies, a huge number of complaints by consumers regarding their own credit histories. The registrar saw fit to investigate only one of these complaints—2,174 complaints, and yet there was only one audit conducted, and that was for the past three years.

I am disappointed with this bill because it doesn't go far enough in dealing with what I think is absolutely critical for consumers these days, and that is maintaining a good credit rating. Our society has become largely dependent on credit. Our very economic lives depend on it. The economy is not going to function without credit being extended. We have become credit-driven in terms

of our economy and its viability. Sadly to say, people use credit probably far too often, more often than they should. We are indebted, as a society, to a far greater extent than perhaps our parents and our grandparents. Certainly that is the case today.

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But that being the case, the reality is that we need to ensure that invaluable information, or information that is critical, is being kept up to date so that when a credit check is done, people aren't penalized because of inaccurate information. That is absolutely important to people, as I pointed out repeatedly. The stories are numerous in terms of the number of mistakes that are made, the errors, the omissions. I believe that this is an area that the government must look at, and I would hope that the minister is listening with respect to this area and would take this into account.

Perhaps there could be changes made to my bill that I haven't considered. Let's talk about it. I understood that the bill would be going to committee. I look forward to the opportunity to go through the bill thoroughly with members on the governing side. The minister perhaps could send his parliamentary assistant. We could examine that.

I honestly believe that this is an area that the government has overlooked. It's a great big oversight. I'm willing to say that perhaps there's still an opportunity here. Let's look at it in committee and let's examine it fully and thoroughly, because as I say, the economy depends on credit. It drives consumer spending in our economy; it's largely dependent on consumers. In fact, the economy is being sustained by consumers going out and making purchases. A lot of stock has been put into whether consumers are going to be spending this holiday season or not and whether our economy stays afloat as a result of it. Business isn't spending. The capital expenditures that were taking place years ago when the Internet was all the rage and the stock market was going up—well, that isn't happening any more. It's consumers who are keeping the economy going.

So we have to be absolutely concerned about what happens with credit, because consumers largely depend on credit. Most people have a credit card. They use credit cards like you use ID. In fact, very little can be done without a credit card these days. I should put it another way. You need a credit card to do a lot of things these days: make a hotel reservation, buy something over the Internet, make a purchase on the phone. You're always using a credit card. So it's indispensable for consumers.

I can't stress strongly enough how I believe this bill is inadequate because it does not address one of the most important areas, and that is keeping vital information on creditworthiness with respect to consumers up to date and putting the onus back on credit reporting agencies, where the onus should be. It's not currently there.

I'd like to make a couple of other comments with respect to what this bill fails to do. My colleague talked about gas prices earlier, the review task force. Members of the government were on that task force. They made

recommendations. The government completely ignored those recommendations. It hasn't done anything about gas prices. There, I would argue, is another critical and vital commodity that people many, many times would depend on. It's not something that we can take for granted. Gasoline prices are an integral part of our economy. In fact, the Bank of Canada governor, David Dodge, the other day was talking about how the price of gasoline has increased the rate of inflation in the country and is bumping it up to the bank's highest point, where it is now concerned about inflation as a result. So the price of gasoline is driving inflation higher in our economy. That is a concern, and there is no protection for consumers.

I honestly think—and it was pointed out that PEI has done something about this—we should be looking at that more seriously. I think that this government is not doing enough with respect to that area. We've raised this matter on a number of occasions.

I think what we have seen in the last number of years under this government's administration is that, more and more, the citizens of this province are being viewed as consumers. We're no longer citizens. No longer do we have an interest in what happens in the broader public sector or the broader public interest. We've now become consumers for almost every service the government is providing.

Just look at what happened with the 407. It is now a privatized highway. There's no protection for consumers when it comes to increases in toll rates on the 407. My God, we've had three toll increases since the 407 was sold to private sector interests. It is just unbelievable how much tolls have gone up on the 407. People in the 905 region depend on the 407 to get around. It's vital transportation. There's no rapid transit system to speak of. People depend on the 407 for transportation around the 905 region. So it's vital.

When it comes to a number of other services, this government is now moving to privatize everything. We're getting private hospitals on the horizon. That's the new initiative by this government. Private school funding—

Interjection.

Mr Cordiano: Well, more and more, we're turning people into consumers of government services, so we need better protection for them.

Anyway, I will turn the remaining time over to my colleague.

Mr Gerretsen: I'm very pleased to join this debate. Let me say at the outset that the likelihood of my colleague Mr Cordiano's very excellent bill in which he basically wants to deal with credit companies and the information they have on file with respect to people and how to rectify errors in that—they are very, very unlikely to be dealt with in this bill. Because of course what I think he should know—and I know he knows—but what the people out there should know is that this is once again another time-allocated bill. This is once again another situation where the government is imposing closure on the debate in this House.

As I've mentioned before in this House, it gets even worse than that, because the time allocation motion or the closure motion says that the committee it's referred to will only meet for one day, which presumably means about a two- or three-hour period, during which time all of the various amendments that may be introduced to the bill are to be dealt with, so it leaves very little time for debate or anything else.

Then it gets even worse than that. When it comes back here on third reading, you would normally expect some level of debate on the final version of the bill with all the various amendments. But do you know what the time allocation motion says? It says that when the order for third reading is called, in other words, when the third reading of the bill is called in this House, "the Speaker shall put every question necessary to dispose of the ... stage of the bill without further debate or amendment."

So this is really the last time that we in this House can debate this bill at all, without our ever seeing any of the amendments—and I can guarantee you that this bill is going to be amended. It's a bill that's 162 pages long. We know the government's record in this area. Whenever any kind of omnibus bill, which is what this is, is put before us, there are always all sorts of amendments that the government itself brings forward. It finds errors in the bill about one thing or another or things that they haven't thought about.

So we know, first of all, why it's going to committee: to basically correct the government's own errors in the bill. We also know why they only allow about two hours of discussion there for the amendments to be moved and why they don't want any debate on third reading: because this government no longer believes in what I regard as the democratic process, and that is for a bill to be discussed as fully and completely as possible.

We've had nine bills that have come to some sort of resolution in this House since we came back in mid-September. Out of those nine bills, six have been time-allocated; in six cases, closure on those bills has been invoked.

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We know the record of this government in that regard. I won't bother you with going back to the record of what it was like to work in a democratic parliamentary system back in the 1970s and 1980s when it was almost unheard of to have closure invoked in this House, and how often it has been invoked by the Harris government, going back to 1995, other than to say that closure/time allocation has been the norm in this House. I think it's a shame. I don't think that's the way we should be operating.

I would once again strongly suggest to the House leaders of all parties, including my own party, to get together so that we can come up with a systematic way for, let's say, a two-week running period of time, over what bills will be discussed during that period of time and at what length. Some bills on which there is agreement can be discussed for a very short period of time. Perhaps some other bills, such as a bill that deals

with some major revisions, like this one, should be discussed for a much longer period of time.

Closure is not the way a democratically elected Parliament should operate. At one time, it was something that the media used to comment on, that was highly denounced in the press, but now nobody seems to care any more. It's a real tragedy that that's happened.

Let me talk to you about some of the good things in the bill. There are some good things in the bill; no question about it. I like the notion that, for example, when somebody gets involved in buying a time-share there is a 10-day cooling-off period. People always say, "You people in the opposition always talk about the negative aspects." I would say, "OK, that's a good idea. We've all heard about time-share sales where this wasn't the case, and I think that's a good deal. Or where there are direct agreements, or credit repairs, or loan brokering—that there are 10 days for fitness services as well. There's a cooling-off period of time. I think that's a good, good bill.

I also like the part of the bill that deals with motor vehicles; that repairs are deemed to warrant parts and labour for a minimum of 90 days or 5,000 kilometres, whichever comes first, when a vehicle is repaired. That's a good, positive move. But, Minister, you could have made it so much better. Why didn't you deal with your own gas-busters' recommendations that have been out there for the last three, four, five years? Your own gas-busters came up with a report. It needed some bit of legislation to deal with the gasoline prices in this province, and you ignored this totally. This would have been the perfect opportunity to do something about it.

I don't know whether or not the fact that my colleague Bruce Crozier has a private member's bill in this area, Bill 163, is the reason why you didn't include it in here, because you don't want anybody else to take any credit at all for that idea. I have no idea. But this would have been the perfect opportunity to do something about it.

Also, you could have done something with the Union Gas situation. We all know the Union Gas situation in which, in effect, Union Gas applied for the ability to charge customers an extra \$120 on top of their normal bills for a retroactive rate increase. To my way of thinking, that's unacceptable. It's something you could have done something about in this particular bill, but you chose not to do that.

I don't want to be totally negative, because there are some good things in this bill, but there's another issue dealing with the sale of new homes, as to whether it should be dealt with by licensed real estate brokers or whether salespeople who are not licensed real estate brokers could be dealing with that.

I thought there was a very good article this morning in the Toronto Star by Bob Aaron—"Pointing Out 'Hudak's Folly,'" as a matter of fact. It asked why the Real Estate and Business Brokers Act wasn't amended to deal with situations outlawing salespeople who are not licensed brokers to deal with the sale of new homes. According to the article, he states that "homes worth \$3.3 billion out of

a total \$16-billion market are sold without the involvement of real estate professionals." That's a rather startling statistic. I'm not for a moment suggesting that all the individual salespeople out there are out to get the public as such—I'm not suggesting that at all—but I think that when you're dealing with a substantial value of real estate, it's very important for the consumer's own protection that a registered real estate salesperson or broker is involved in that transaction. This would have been the perfect opportunity to do something about that.

There are also some suggestions with respect to the travel industry that I'm just trying to look for here and can't find right now.

There's another good point in the bill where they talk about how goods and services must be delivered or commenced within 30 days or the consumer may cancel the contract. I think that's a good idea, because we've all heard of situations where people pay for items and goods and they're not delivered within the right period of time.

Having said that, let me just get back to the original motion that we're actually dealing with, and that is that we're dealing here with time allocation, with closure. The governing party, because of the majority of members it has here, is in effect saying, "We no longer want to debate this bill. We're cutting it off for debate and the heck with the opposition." You and I know, Speaker, that is against all the parliamentary traditions, practices and procedures that are out there. At one time, I believe there was even a federal government back in the 1950s that basically lost an election because it had invoked closure in a famous pipeline debate. It was something that the general public got extremely excited about or extremely disturbed about because they did not feel that the democratic will of the parliamentary system should be overridden by closure.

Nowadays it's done on a standard basis, just about on a daily basis in here. This is something very regrettable. I would hope that if the media take no interest in it, at least the people of Ontario will take an interest in it and will put a stop to a government that in effect wants to impose its will continually on the will of the people, which is expressed here by the 103 representatives that we have from the various ridings. I'm not saying for a moment that the government shouldn't say, at some point in time, "We've had enough," but surely to goodness it should not be on every single bill. That's what seems to be happening, and that eventually, in my opinion, will be the downfall of a democracy. So I say to the government, try to work something out with the opposition House leaders so that this kind of a situation that we have here today will not repeat itself in the future.

The Acting Speaker: This completes the time for debate.

Mr Hudak has moved government notice of motion 63. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1748 to 1758.

The Acting Speaker: All those in favour will please stand one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Hardeman, Ernie	Newman, Dan
Baird, John R.	Hastings, John	O'Toole, John
Barrett, Toby	Hodgson, Chris	Quellette, Jerry J.
Beaubien, Marcel	Hudak, Tim	Runciman, Robert W.
Chudleigh, Ted	Jackson, Cameron	Sampson, Rob
Clark, Brad	Johns, Helen	Spina, Joseph
Clement, Tony	Johnson, Bert	Sterling, Norman W.
Coburn, Brian	Kells, Morley	Stewart, R. Gary
DeFaria, Carl	Klees, Frank	Stockwell, Chris
Dunlop, Garfield	Martiniuk, Gerry	Tascona, Joseph N.
Ecker, Janet	Maves, Bart	Tsubouchi, David H.
Elliott, Brenda	Mazzilli, Frank	Turnbull, David
Eves, Ernie	McDonald, AL	Wilson, Jim
Galt, Doug	Miller, Norm	Witmer, Elizabeth
Gilchrist, Steve	Molinari, Tina R.	Wood, Bob
Gill, Raminder	Munro, Julia	Young, David
Guzzo, Garry J.	Murdoch, Bill	

The Acting Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Conway, Sean G.	Levac, David
Bartolucci, Rick	Cordiano, Joseph	Marchese, Rosario
Bisson, Gilles	Crozier, Bruce	Martin, Tony
Bountrogianni, Marie	Di Cocco, Caroline	McLeod, Lyn
Boyer, Claudette	Dombrowsky, Leona	McMeekin, Ted
Bradley, James J.	Duncan, Dwight	Peters, Steve
Bryant, Michael	Gerretsen, John	Phillips, Gerry
Caplan, David	Gravelle, Michael	Prue, Michael
Christopherson, David	Hoy, Pat	Pupatello, Sandra
Cleary, John C.	Kormos, Peter	Ramsay, David
Colle, Mike	Kwinter, Monte	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 50; the nays are 32.

The Acting Speaker: I declare the motion carried.

It being after 6 of the clock, this House stands adjourned until 6:45 of the clock.

The House adjourned at 1802.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Haldimand-Norfolk-Brant	Barrett, Toby (PC)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Haliburton-Victoria-Brock	Hodgson, Hon / L'hon Chris (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Halton	Chudleigh, Ted (PC)
Beaches-East York	Prue, Michael (ND)	Hamilton East / -Est	Agostino, Dominic (L)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Clement, Hon / L'hon Tony (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Brant	Levac, Dave (L)	Huron-Bruce	Johns, Hon / L'hon Helen (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Burlington	Jackson, Cameron (PC)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Cambridge	Martiniuk, Gerry (PC)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
Chatham-Kent Essex	Hoy, Pat (L)	Kitchener-Waterloo	Witmer, Hon / L'hon Elizabeth (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Davenport	Ruprecht, Tony (L)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Don Valley East / -Est	Caplan, David (L)	Lanark-Carleton	Sterling, Hon / L'hon Norman W. (PC) Minister of Transportation / ministre des Transports
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Essex	Crozier, Bruce (L)		
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Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	Elliott, Hon / L'hon Brenda (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
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Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	Galt, Hon / L'hon Doug (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	Clark, Hon / L'hon Brad (PC) Minister of Labour / ministre du Travail
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Ottawa-Orléans	Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
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Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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McMeekin, Bill Murdoch, Wayne Wettlaufer
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Third Session, 37th Parliament

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Troisième session, 37^e législature

Official Report of Debates (Hansard)

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Tuesday 19 November 2002

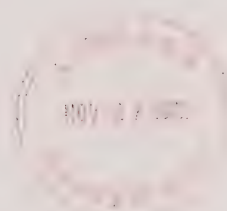
Mardi 19 novembre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 19 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 19 novembre 2002

The House met at 1845.

ROYAL ASSENT

SANCTION ROYALE

The Acting Speaker (Mr Michael A. Brown): I beg to inform the House that in the name of Her Majesty the Queen, His Honour the Administrator of Ontario has been pleased to assent to certain bills in his office.

Clerk at the Table (Ms Lisa Freedman): The following are the bills to which His Honour did assent:

Bill 60, An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act / *Projet de loi 60, Loi visant à accroître le rôle des victimes aux audiences de libération conditionnelle et à responsabiliser les délinquants à l'égard de leurs actes, prévoyant des normes relatives à la toilette des détenus et apportant d'autres modifications à la Loi sur le ministère des Services correctionnels;*

Bill 131, An Act to facilitate the making, recognition and variation of interjurisdictional support orders / *Projet de loi 131, Loi visant à faciliter le prononcé, la reconnaissance et la modification des ordonnances alimentaires d'exécution réciproque;*

Bill 148, An Act to provide for declarations of death in certain circumstances and to amend the Emergency Plans Act / *Projet de loi 148, Loi prévoyant la déclaration de décès dans certaines circonstances et modifiant la Loi sur les mesures d'urgence;*

Bill 149, An Act to extend the red light cameras pilot projects to November 20, 2004 or for an indefinite period / *Projet de loi 149, Loi visant à proroger jusqu'au 20 novembre 2004 ou indéfiniment les projets pilotes ayant trait aux dispositifs photographiques reliés aux feux rouges;*

Bill 187, An Act to protect the rights of agricultural employees / *Projet de loi 187, Loi visant à protéger les droits des employés agricoles.*

ORDERS OF THE DAY

KEEPING THE PROMISE FOR A STRONG ECONOMY ACT (BUDGET MEASURES), 2002

LOI DE 2002 SUR LE RESPECT DE L'ENGAGEMENT D'ASSURER UNE ÉCONOMIE SAINTE (MESURES BUDGÉTAIRES)

Resuming the debate adjourned on November 18, 2002, on the motion for second reading of Bill 198, An Act to implement Budget measures and other initiatives of the Government / *Projet de loi 198, Loi mettant en oeuvre certaines mesures budgétaires et d'autres initiatives du gouvernement.*

The Acting Speaker (Mr Michael A. Brown): Further debate?

Mr Marcel Beaubien (Lambton-Kent-Middlesex): I'm pleased to have the opportunity to debate Bill 198, An Act to implement Budget measures and other initiatives of the Government, also known as Keeping a Promise for a Strong Economy Act, 2002. Since 1995 the government has worked to advance policies that foster a strong economic environment in which Ontario's communities can thrive. We did this through a number of measures, namely sound economic and fiscal management, reducing taxes, balancing the budget, paying down the debt, reducing red tape and removing barriers to growth.

I am proud to say that Ontario has achieved great economic success since 1995. This has been demonstrated in record economic growth and job creation. Over the last seven years, over 980,000 new jobs have been created, the best job creation record in Canada.

Strong cities, towns and rural communities are vital to achieving continued economic prosperity. Among the many initiatives included in this act is legislation that, if approved, would allow the province to provide opportunity bonds and create tax incentive zones for municipalities facing challenges attracting investment and jobs. These programs were first announced in the 2002 throne speech. At that time the government announced its intention to introduce legislation that would create tax-exempt opportunity bonds to support local infrastructure investments and the implementation of Smart Growth strategies.

In the 2002 Ontario budget the government reaffirmed its intention to move ahead with developing opportunity bonds and tax incentive zones. At the same time, the government also announced it would consult with stakeholders on the design and implementation of opportunity bonds and tax incentive zones. Both these initiatives complement the Smart Growth agenda of helping municipalities with their infrastructure needs and becoming more attractive to investment and as a good place to live.

For the members who are not familiar with them, I would like to take a few minutes to describe these programs. Opportunity bonds would be a tool to raise lower-cost financing that would assist Ontario municipalities that need to make significant improvements to their infrastructure over the coming years. Opportunity bonds would allow municipalities to finance long-term capital projects with long-term financing, therefore providing some stability to municipal financing. Municipalities would also have access to lower-cost financing to fund their infrastructure needs. The bonds would also benefit investors in that they would offer investors an income tax exemption on the interest earned on the bonds, as well as an attractive rate of return with a large degree of safety. Opportunity bonds would provide Ontarians with an opportunity to invest in the quality of life in their communities, thereby making an investment for themselves and their families.

This act would allow the province to put in place a program that would allow a municipality to invest prudently in improving and maintaining their infrastructure. Opportunity bonds are a form of debt financing that is widely used in the United States by state, city and county governments, as well as other public bodies, to raise money for capital infrastructure projects such as schools, highways, hospitals, water and sewer improvements, and so on.

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The government of this province sees this program as an opportunity to enable municipalities to access long-term debt at substantially lower interest rates regardless of their size or location in this province. The government also believes that a partnership between all levels of government and local communities is important in designing a financing tool that would allow municipalities to efficiently finance their projects to build healthy and prosperous communities.

We also encourage the federal government to support municipalities in renewing and expanding their infrastructure by joining Ontario as a partner in providing a tax exemption for opportunity bonds.

More and better infrastructure would serve to make a community more attractive as a destination for investment in job creation. We believe the benefits provided in opportunity bonds would be attractive to both investors and municipalities.

The government further showed its support of the opportunity bonds program when Premier Eves announced, at the Association of Municipalities of Ontario conference in August, that the province would create the

Ontario Municipal Economic Infrastructure Financing Authority. This financing authority is a new body that will control a pool of capital that municipalities will be able to access. The authority would be endowed with \$1 billion in initial capital funding, along with \$120 million through the Ontario Clean Water Agency that will be available for financing municipal sewage and water infrastructure. Supporting this act will also facilitate the creation of the Ontario Municipal Economic Infrastructure Financing Authority, once again demonstrating that the province supports the success of municipalities.

As the government plans for the future, it is also moving forward with creating tax incentive zones for communities experiencing challenges in attracting investment in jobs. Establishing tax incentive zones in Ontario is another important initiative that would stimulate investment in Ontario communities. By declaring a community a tax incentive zone, businesses would be encouraged to invest, locate or expand there to help support business and economic growth.

A number of other jurisdictions have these programs.

When we're talking about tax incentive zones, I can recall, a number of years ago, having spent nine years as mayor of the town of Petrolia and six years on council, that on many occasions we were approached by different business and commercial entities with regard to starting a new plant or a new facility. Being close to the American border, we were always in competition with the state of Michigan, the state of Ohio and, to a lesser extent, the state of Indiana. All of these states had tax incentive zones. It made it very difficult for a community in Ontario, especially a rural community that is undergoing tremendous demographic changes, whereby the young people are leaving the community and businesses are disappearing or they're not growing. It made it very difficult for a community to offer incentives in order to compete with jurisdictions across the border.

I know there is some disenchantment and some disagreement among some of the members on the other side of the House with regard to tax incentive zones, but I think they can be a tremendous tool for small, rural and northern communities in order to attract investment, to maintain the local economic activity and to create jobs and opportunities for young people so we can maintain them in small and northern communities. It is a challenge. Consequently, as a government, we have to make sure that we provide the tools that are necessary to make sure that our municipalities will be competitive, not only today but in the future.

The United States and Britain have tax incentive zones to assist their communities in achieving economic growth. They have realized, as a government, that there is merit to this type of zone. I feel strongly that it has been long overdue that we should have this type of economic activity and incentive in the province of Ontario. In the United States, 41 state governments, including New York, Pennsylvania, Michigan and Ohio, have established tax incentive programs to encourage business investment and job creation in targeted communities. In

Canada, Quebec, Prince Edward Island, and Newfoundland and Labrador have tax incentive programs to encourage private sector investment and job creation.

The government is committed to working with municipalities to develop its own made-in-Ontario approach that incorporates the best practices from programs in other jurisdictions. I had the opportunity about five or six weeks ago to lead the consultation process with opportunity bonds and tax incentive zones in the community of Timmins. There were representations from the private sector, and certainly businesses and industries in the area were very well represented. The municipalities were extremely well represented. There were representations from all the municipalities in northeastern Ontario. We had a very interesting discussion.

As we know, there will be six tax incentive pilot projects across the province. There is no doubt that the challenges facing northeastern Ontario are somewhat different than the challenges facing northwestern Ontario or southwestern Ontario or eastern Ontario. Each area of the province has its own demographic, has its own problems, has its own challenges. Therefore, it is imperative that the government, as it has done, consult with different community leaders and business leaders across the province to ensure that we design pilot projects that will cater to the needs of the people who live in those areas, because I do not believe that one pilot project or one solution will fit all of the province of Ontario. The province is too varied, the economic activities in the province are way too diversified, and consequently we need different solutions for different areas of the province.

The government is also committed to working with municipalities to develop its own made-in-Ontario approach that incorporates the best practices from programs in other jurisdictions. The tax incentive zone program is based on a foundation of five principles:

(1) Opportunity: the belief that all Ontarians should have the opportunity to succeed regardless of where they live.

(2) Innovation: a commitment to support entrepreneurship and new ideas that build on local strengths and success.

(3) Partnerships for growth: a commitment to strong community-based partnerships involving all levels of government, business and community residents and organizations to achieve renewal and growth through locally developed economic development solutions.

The next one is commitment to the future of Ontario's communities, giving young people the opportunity to live, work, raise a family and give back to the communities where they grew up.

The last one is enhanced competitiveness, a long-term strategy to improve the ability of local economies to compete for jobs and investment in the global economy.

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I must add that all of these pilot programs should be sustainable, not only in the short term but in the long term, because too many times we see grants, loans and money provided by different levels of government to

programs that are not sustainable in the long term. I think the taxpayers of Ontario have had enough experience over the past number of years with these types of programs that they expect more from their governments today. I think it's the responsible thing to do. Whatever programs we undertake must be sustainable.

To develop the program, the government has been consulting with community and business leaders since early September on how to design and implement a program that works for communities experiencing challenges in attracting investment and jobs. We recognize that many communities have been actively pursuing economic development opportunities and would welcome the opportunity to use tax incentive programs to further their efforts.

In August, Premier Eves also announced at AMO that, in addition to the consultations, this program would initially be developed, as I pointed out, through six pilot projects. The experience gained from the pilots, along with the advice received through the consultations with business and community leaders, will allow the government to design a tax incentive zone program that best supports the economic development and job creation needs of communities across the province.

The Ministry of Finance invited all interested municipalities to submit expressions of interest in hosting a pilot project. The positive response the government has had to tax incentive zones is exemplified by the great number of responses we have received to the pilot projects through the expressions of interest.

Opportunity bonds and tax incentive zones are tools that, if approved by this Legislature, would support the implementation of the government's Smart Growth strategies to build strong, vibrant and prosperous communities across the province. These programs demonstrate the government's innovative efforts to build communities across Ontario by encouraging public and private partners to invest in municipal infrastructure investment.

Healthy and growing communities are vital to achieving economic prosperity. We recognize this, and with this act we are investing in the ability of our communities to contribute to our economic growth and quality of life.

On this bill, I would also like to refer to a couple of items, if I have time. I know I don't have an awful lot of time left. Part I of the bill, and I know it's a fairly large bill, deals with the Assessment Act. Some people say the bill is very complicated. I think if we take the time to go through and even if we scan it fairly quickly, this amendment to the act—currently subsection 31(1) of the Assessment Act requires the clerk of a municipality to add to the collector's roll any land that has been omitted in whole or in part from the roll in the circumstances described in that subsection.

Amendments permit the minister to prescribe exceptions to this requirement. The amendments are made effective as of January 1, 2002. References through the act to "residential/farm property class" are changed to "residential property class" and references to "farmlands property class" are changed to "farm property class."

That seems to be awfully complicated, but I had the opportunity to do some revisions and consultations with stakeholders across the province on property assessment. In the report, this is one of the recommendations that we made, because there was some confusion by people living on farms with regard to the way their properties were described. We listened to what the stakeholders were saying, we catered to their concern and we tried to solve the problem. Consequently, when you get your new assessment form, which most people will probably be receiving in the next couple of weeks, it will be clear as to when a farm is a farm, and a residence on a piece of farmland is a residence. There will be a clear distinction so that people will not be confused.

There's also another part in the bill, and if I have time—I know I'm really running out of time. In part 16 in the same report, we recommended that—under the old act, municipalities could charge 25% of the residential rate for agricultural land. The amendment to this act will give municipalities the flexibility to charge less than 25% of the residential rate for farmland. I'm out of time but I urge—

The Acting Speaker: Thank you. Questions or comments?

Mr David Ramsay (Timiskaming-Cochrane): I'm pleased to be able to make some comments on the speech that we just heard in the Legislature tonight. In this bill there are a couple of things that are of very keen interest to me. One that the member had talked about are these tax incentive zones that are being discussed, and I know the government is having a consultation across the north. The problem the government is going to be looking into is that right now they've got municipalities competing against themselves all across rural and northern Ontario.

I certainly propose, as one of the six prototypes, that maybe they take a look at a riding such as mine, which is very representative of rural northeastern Ontario. I think you have to take large areas or zones, like the incentive talks about, although a lot of us are very curious as to what tax incentives there might be there. We in northern Ontario have distinct disadvantages compared to other parts of the province. I see the member for Parry Sound-Muskoka is here, and even though his area is included as northern Ontario, a lot of us represent areas quite north and away from the major markets in North America and have a lot of disadvantages. So we'd be very curious to see what sort of tax incentives were there, and also how they would be applied.

For instance, are they only going to be applied to new industries starting to set up in one of these zones, or will it apply to all existing businesses? That would be a big headache for the government. When you do establish these zones and try these prototypes across the province, I think you'd better look at, in order to be fair, making sure that everybody who is doing business there has the same competitive advantage. I would certainly say that there are parts of rural Ontario right across this province, especially parts in the north that I represent, that need any advantage we can get to try to keep jobs in our areas.

Mr Tony Martin (Sault Ste Marie): I wanted to follow up on the comments from the member for Timiskaming-Cochrane, because he's absolutely right and comment to the points put on the table tonight here in the House on these tax incentive zones. I think it needs to be explained to people just exactly what this initiative is all about.

My read of it, very briefly, in quick fashion, is that this government is still further driving taxes down for corporations and businesses, but in this instance not doing it themselves but allowing municipalities to do it; you know, not telling people—I'm sure municipalities understand and will soon find that in fact what it means is a reduced tax base for them to continue to provide the infrastructure, which is probably their best bet in terms of providing advantage to industry that might want to come and set up. So I counsel caution on this.

I was at an Algoma District Municipal Association meeting that you were at just a short while ago in Wawa, where I counselled the members there to look at this very carefully, because it will indeed reduce the already meagre tax base that exists to cover the downloaded costs of providing municipal services. It's very complicated in that we're not sure how that will work out in terms of the already existing businesses. Will they get the same incentives? Will they get the same tax reductions as the new businesses coming in? It will create all kinds of difficulties.

I would suggest to the government that if they really wanted to help northern Ontario, which is the area I'm concerned about most because our economy has shrunk big time over the tenure of this government, they'd return some of the vehicles that were already in existence when they got the government that they wiped out, like the Ministry of Northern Development and Mines, like the northern Ontario heritage fund.

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Mr Bart Maves (Niagara Falls): I want to congratulate Mr Beaubien, the member from Lambton-Kent-Middlesex, who has actually been a one-man commission for the past three years-plus with regard to property tax assessment across the province of Ontario. I think he should be congratulated, because at least four of his proposals, four of his initiatives, are contained in this bill tonight. He talked about some, with the tax incentive zones and the farm assessment clarification as two examples. I want to congratulate the member for the job that he's done with regard to property tax assessment across the province of Ontario.

Other members have certain problems that they uncover with property tax assessment in their own ridings. This member has been very eager and quick to traverse the province to go and meet with people to find out what their concerns are, where there's a quirk and a problem with the property tax assessment. He came down to Niagara-on-the-Lake, for an example, with the problem we were having with property tax assessment with regard to bed and breakfasts. I know he's been down to St Catharines, where we have a problem with commercial

assessment in the city core. So he's been very active throughout the province.

He has filed one very comprehensive report and is about to file another. I know, as I said at the outset, there are four items in this bill that come from the member's one-man commission on property tax assessment. So he needs to be congratulated for that. I thank him on behalf of the people of Ontario and the people in my riding.

The Acting Speaker: Response?

Mr Beaubien: I would like to thank the members from Timiskaming-Cochrane, Sault Ste Marie and Niagara Falls for their comments.

With regard to the comments the member from Sault Ste Marie made, I know that this issue is probably quite sensitive and certainly close to his heart, because I know that his community has suffered through downsizing of many industries.

When he talks about not giving the opportunities to municipalities to give tax credit, I don't know what the final model is going to look like within these six pilot projects. But in the research I have done across the United States and some of the provinces in Canada on tax incentive zones, it's basically a locally driven initiative. So the community decides what type of industry or commercial entity it would like to have locate within their boundaries, and they're the ones who decide the levels of initiatives that they want offered.

Mr Martin: You make it sound so easy.

Mr Beaubien: If the member from Sault Ste Marie has difficulties with regard to having sound, sustainable commercial and industrial entities, I wonder how his constituents in Sault Ste Marie feel when he comments that big, bad Stelco, which has an awful lot of money from all the taxpayers of the province of Ontario, not only on one occasion but more than one occasion—I don't have any problem with that, in order to maintain a viable northern economy. But I fail to see where his rationale is with regard to, say, big, bad Stelco; big, bad St Mary's pulp and paper; big, bad Dubreuil Lumber—

Mr Martin: Algoma Steel.

Mr Beaubien: I don't know what they call it now. But they are the people who create economic activity.

The Acting Speaker: Further debate?

Mr John Gerretsen (Kingston and the Islands): I am very pleased to join this debate this evening. Just to follow up the last discussion on tax incentive zones, yes, there are some municipalities that will take advantage of this. But it could also be interpreted by some as really being sort of a race—

Mr Beaubien: On a point of order, Mr Speaker: When I mentioned the comments from the member from Sault Ste Marie, I think I did say "Stelco." It should be Algoma Steel.

The Acting Speaker: You're asking to correct your own record. Good.

Mr Gerretsen: Well, thank you very much. You know, that's one of the very first times in this House in the last seven years that I've actually seen a government member get up and say that he was wrong about some-

thing. This government is not known for admitting that it's wrong about anything. So I appreciate that from the member from Lambton.

My comment with respect to tax incentive zones is, yes, I know some municipalities want it, but I think it's also something that may be somewhat dangerous to get involved in, because basically, when you get right down to it, money is being taken out of the municipal tax base in one way or another. We all know the tremendous strains that municipalities are under right now when it comes to providing services and finances that are required for those services.

I'm certainly one person who believes in giving municipalities the power to get involved in pilot projects of this nature. I happen to believe that most municipalities elect councils that the people of that area obviously want, or else they wouldn't have elected them, and that those individuals are just as smart or just as dumb as the people that we elect to this level. I don't think that because you are elected to a so-called higher level of government, whether it be the provincial or federal level, it makes you any smarter a person in trying to figure out all these various rules and regulations and concepts that are out there.

I know it's something that most municipalities have been asking for, for a long period of time, but I would just warn municipalities to be careful with it, because if it becomes a race between municipalities to attract a certain industry, to give up certain tax incentives, which come out of that local municipal tax base, then I don't think anybody wins in the long run. I think we've got to be very careful with the way that's being handled.

I think that the people of Ontario have to understand that we are once again dealing with a massive bill here which implements the budget that was announced back in June. It's a 146-page bill that deals with dozens upon dozens of acts and changes to acts etc, but there are two or three fundamental principles contained in the bill that I think the people of Ontario should be aware of.

The first thing is that it does away with or temporarily sets aside is the so-called Taxpayer Protection Act. Remember, that was the big act that was passed by this government that was never going to allow deficit budgeting again. I mean, they were so sincere about it, and I'm sure a lot of the people of Ontario thought, "You know, this is a good thing." Well, here we are—and is it year one or year two?—that the government has deemed it necessary to basically set that law aside and say, "Yes, we intended that two years ago or last year, and we're not going to be able to live up to it at this given time," when for most people the general economy has not been that bad. It's not as if we're involved in a tremendous economic downturn, like we were, for example, in the early 1990s.

Mr Rick Bartolucci (Sudbury): Except in northern Ontario.

Mr Gerretsen: So the question is, if we're doing it under these kind of circumstances, and as my seatmate has said, "except for northern Ontario"—and I realize that there have always been significant problems in

northern Ontario with respect to the economy. But certainly for Ontario as a whole, we are not involved in a tremendous economic downturn. Some people may not be doing as well in the stock market or pension plans and things like that. I realize that, but generally speaking, the economy is still moving along quite well. And yet we're setting aside this act, which was sort of the hallmark of this government's commitment to the people.

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The other issue, of course, deals with the tax cuts they announced earlier with respect to income tax, and the corporate taxes as well. Let me be absolutely sure about this, Speaker: we were against those tax cuts right from the beginning. We have always said it is much more important for us to build a competitive society here in Ontario that can compete with people across the world. It is necessary to invest in education so that our young people can have the best possible skills when they go into the work world, to have the best health care program available, because we know our health care program, when you compare it with what is available even with many American companies, is so much cheaper to the workforce in the long run. It is important to invest in the people of Ontario. That's where the money should have been put in the first place. So I for one don't mind the fact that they are not going to live up to their promises of the tax cuts that they made both in the income tax area and the corporate tax area. But let me also make absolutely certain to the people of Ontario that they have broken their promises to them once again. There's absolutely no question about that.

There are all sorts of issues I could take with respect to different aspects of this bill. There are just two of them I want to highlight, and I'm glad to see the Minister of Health and Long-Term Care is in the House this evening.

I would like to speak for just a moment about a press release that was issued today by the Ontario Nurses' Association. It states, and I'm quoting from the press release, "Government Misleads Public on Senior Care." That's what this press release states. You may recall that earlier this month or late last month, a major announcement was made that we're going to be making an investment of money for more nurses and more personal care workers in our long-term-care homes. We all know that right now we rank absolutely last in a study of 10 comparable jurisdictions in the amount of nursing care that we are able to provide mainly to our seniors in nursing homes, but there are also other vulnerable people who aren't seniors as yet.

The government felt it had to do something as a result of the 55,000 postcards they received whereby people were basically saying, "It's not good enough that seniors only get one bath a week. It's not good enough that they only get an average of four minutes of help to get up in the morning and get down to breakfast. More needs to be done." So the first thing the government tried to do was to get it from the seniors themselves by imposing a 15% increase, which in most cases meant an increase of something like \$230 per month for people who are in

their high 80s or early 90s, people who are living totally on fixed incomes, and they simply couldn't afford it. There was a major public outcry. So the government, to its credit, went partway back and said, OK, it was going to be 15% over three years.

Interjection.

Mr Gerretsen: Well, this deals with this budget bill, because this should have been in the budget.

Anyway, the government made an announcement and said they were going to put more money in, and they did put some more money in—I'll give them credit—as a result of the tremendous outpouring of cries from people saying, "We're not treating our seniors in our senior citizens' homes and homes for the aged properly and correctly, the way they should be treated."

What's happened to this money? According to the minister at the time, 2,400 nurses and personal care workers were going to be hired as a result of this input. But the Ontario Nurses' Association put together a list of about 15 to 20 homes for the aged and nursing homes that weren't able to hire any more staff because basically the money was used to fund deficits, and this is particularly in the case of municipal homes and charitable homes. These organizations were running a deficit. I know what the ministry will say: "Well, that money should have been used to hire more staff." The problem is that these homes couldn't, because they were running a deficit already. They couldn't do it with the lack of funding that they had received from the government to start with.

I could give you all sorts of examples here. At the Sun Parlour Home in the county of Essex, the increase in the nursing and personal care per diem rate will be applied to reduce the projected shortfall for the balance of the year. At Glen Stor Dun Lodge, the increase of funds for the nursing and personal care envelope will not be used to increase staff but to basically fund a deficit as well. At Hastings Centennial Manor, the new funding will be used to partially offset the current operating deficit for nursing and personal care. Finlandia Hoivakoti—I hope I said that correctly; I visited that home here in Toronto, as a matter of fact.

Mr Bartolucci: Sudbury.

Mr Gerretsen: Is that in Sudbury? There's a similar home on Eglinton Avenue here in Toronto that I visited about two months ago. The increased funding is being used to reduce the deficit. At Rainycrest, funding is being used to cover their budget shortfall. At the Don Mills home for the aged, half the funding is being used to cover the current deficit. And I could go on and on and on.

Obviously, somebody in the ministry is going to blame these homes and is going to say that money should have been used to hire new support workers etc. I think the homes did the right thing. If they were running a deficit and being fiscally responsible, they used that money for the deficit.

The point is simply that even with this influx of new money, we are still last in 10 jurisdictions. The 10 jurisdictions that were studied, to give people some idea, were

two other provinces in Canada, some US states and some countries in Europe, all of which have a population base of roughly 10 million to 11 million people, except for the other two Canadian provinces, which of course is our population base in Ontario. All of those situations that were studied in the government-funded study, the Price-waterhouse study, clearly indicated that we in Canada, we in Ontario, spend less for nursing care on average per resident in one of these homes than anywhere else.

I think the government, rather than coming up with these schemes of income tax cuts and corporate tax cuts, which it has had to delay in any event, should have taken some of that money in its past tax cuts and put it into high-quality personal and nursing care for seniors who are basically not able to look after themselves.

I just wanted to bring that forward, because that press release was just issued today. The Ontario Nurses' Association is having a major conference downtown, and they felt that strongly about it. There are no more personal care workers and nurses hired by these homes. They're mainly using it in order to buy more supplies or deal with their deficit situations.

There is another section in the bill that is very interesting—it's already been referred to in the House a number of times; there have been questions about it during question period—and that deals with the Pension Benefits Act. It's the Conrad Black clause. I know this can all be very confusing to the people out there, but basically what it means—I'll just read you the section: "An employer ... as may be prescribed may apply under this section to the superintendent," and that's the superintendent of pension plans or the superintendent of finance, I'm not quite sure what his title is, "for the superintendent's consent to the payment of surplus to the employer ... out of a continuing pension plan or a pension plan being wound up in whole or in part."

What that basically means is that there are amendments in this bill that allow one party to a pension contract—namely, the employer—to apply to the superintendent to have any surplus in that pension fund returned or given to the employer when the plan is being wound up. The employees are saying, "Look, that isn't just the employer's money, it's our money as well. In effect, whatever has happened to that plan by way of increases in size etc is a deferred wage to us." It is a benefit that should be coming to them.

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It's the same argument the OMERS people have. I'm sure, Mr Speaker, that you and I have heard from many retired firefighters and police officers and other municipal workers who were somewhat miffed at the fact that as the result of an arrangement between the OMERS board and the municipalities and the government, in effect a holiday was given whereby no one had to contribute to this plan for a certain period of time because the OMERS pension fund had done so well as an investment fund over the years. The argument by the retired individuals is, "Look, it was our contributions over the years that basically caused this plan to do so well. It was

our money that was invested and did extremely well," in the stock market or wherever the investments were over the years, "and we should be getting the benefit." We've heard that argument from many retired individuals.

I know there are some people within OMERS, particularly the employees who have just started working for, let's say, a municipality, who haven't made any contributions at all for two or three years and were immediately, in effect, given a benefit. It was also a major benefit to the employers, namely, the municipalities, because they didn't have to put in their half of the pension contribution either, so that was a big, big benefit to the municipalities as well.

This Conrad Black clause is something similar; it works exactly the same way. The employer in this case is basically saying, "If there's a surplus in the pension plan, it should be coming to us, and I can make the application as a result of the changes in section 79.1 under this act, if it's passed," and I don't think that's fair. It's my understanding that since 1988 up until the end of this year, agreements have always been reached between the employees and the employers as to how excess funds in pension plans when they were wound up should be handled between the employees and the employer. That is being done away with, if this law were to pass, by one stroke of the pen. That's not fair to the employees and there has to be another way to deal with it.

I know the Minister of Finance has said in this House during question period, "Oh, but that's not what it's saying at all." All I can tell you is that we've had individuals who are very knowledgeable in these areas look at this and we've received dozens of e-mails and letters from individuals who are extremely concerned about that. I would say that this is a matter that affects enough people out there that it really should almost be a stand-alone piece of legislation. It should not be contained in a massive omnibus bill like this.

There are a number of other things that we could talk about. I'll give Mike Harris credit for one thing. I hate doing that, but I'll give him credit for one thing. To the general public he was perceived as at least keeping his word on some of the major issues that he brought forward. I don't happen to agree with that, but that's the perception that was left out there. I don't believe, for example, that when he said he wasn't going to close a hospital and then he closed a whole series of hospitals through his hospital restructuring commission, that he kept his word. Or when he said, "Well, if we do close hospitals," once he made that statement, "we're going to take the money we're going to save from the closing of hospitals and put that money toward community care." And that hasn't happened either; it just hasn't happened.

I would still challenge the Minister of Health to come up with a figure as to how much money the government has actually saved as a result of all the hospital beds that have closed since 1995. Let's get a figure for a year for that and let's see if that quantity of money, whatever it is—whether it's \$100 million, \$200 million, \$300 million, \$500 million or \$600 million or maybe into the

billion dollars—has actually gone into the community care access system, because that was the promise that was made by the Premier, by the Minister of Health, and by Duncan Sinclair, the health services restructuring commissioner, who basically said that if you're going to restructure, that's what you have to do. Now that it's done, or a lot of it has been done, we don't talk about it any more. Yet we know there are many people who need the community care access services out there—home care etc—who are now being denied those services because that money didn't flow into that. But at least the perception out there was that he kept his word. Well, we know now that he didn't, and this bill probably says it better than any other bill: the main piece of legislation, that all the government members were so excited about, that the taxpayers were going to be forever protected from deficits, has in effect been breeched and broken by this bill.

The Acting Speaker: Questions or comments?

Mr David Christopherson (Hamilton West): I want to compliment the member from Kingston and the Islands on his remarks. He gave a good, thorough analysis of a number of the areas that are of concern to us in the NDP caucus and I think should be of concern to all Ontarians.

In particular, I hope people understand that the effect of Bill 198 is to put the lie to one of the major planks that this government has run on, and that is that if you cut taxes governments win because the economic activity that ensues generates more tax revenue than the income tax or corporate tax that has been forgone. Member after member has stood in his place and pointed to the revenue figure over these last seven years and said, "See, that proves it. We cut taxes, and the revenue number is up. We cut taxes again, and revenue numbers are up. Therefore, whenever you cut taxes, revenue goes up because it stimulates the economy and creates jobs, blah blah blah," and if the cameras could show there are members of the government back benches nodding up and down just as the Kool-Aid was supposed to affect them.

What happens now is—we've been saying to this government all along that the only reason your revenues are up at a time when you're cutting all those taxes is because of the economic boom in the United States—now that we are in a downturn and revenues are expected to decrease and there is less economic activity, if your theory was true, you should be doubling the tax cuts, not deferring them. But the fact that you're deferring them is proof that you can't cut taxes as a way to sure-fire prosperity. That's just a sure-fire way to make the rich richer.

Hon David Young (Attorney General, minister responsible for native affairs): I appreciate having an opportunity to comment upon this important bill and indeed to enter into this debate. I think none of us should ever forget that we have the privilege of sitting in this Legislative Assembly. I know I take that very seriously. I know most of the members on both sides of this chamber do so. We have a trust that has been placed in us to do the right thing. Sometimes that isn't easy. Sometimes there are difficult decisions to be made. There's only one

taxpayer. I guess that's become trite for some to say, but the truth of the matter is there is only one taxpayer. They have only one set of pockets; there is only so much money to go around.

We, as a government, have taken a very different approach. We have said to the people of this great province that we are going to make those tough but necessary decisions. We are going to ensure that their hard-earned tax dollars stay with them except where absolutely necessary, except when government needs the money to do what governments should do to provide for individuals, to provide for communities where communities are not in a position to provide for themselves. This bill does just that. This is the government; the Ernie Eves government is the government that has cut taxes, not once, not twice, not three times, not four times, indeed, almost 200 times, 199 times, so that individuals across this province can keep their hard-earned money.

We believe that the incentives we have brought forward here, the further measures that we have tabled, continue that tradition. We believe that this bill represents an appropriate balance. It includes tax incentives in appropriate situations but, by and large, leaves the taxpayers to do what they do best, and what they do best is know how to spend their hard-earned money. We in this chamber don't have all the answers. The Liberals and the New Democrats often think they do; they don't.

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Mr Bartolucci: I think the member from Kingston and the Islands has articulated clearly what this side of the House really believes, and that's that with this bill, Bill 198, there has been a betrayal on the part of the government to even its corporate friends in this instance. It's a matter of trust that the government has failed miserably.

You see, the people of northern Ontario have known this for a long time. You can't trust this particular government to act in the best interests of the majority of the population. The people in northern Ontario have certainly seen it with hospital restructuring. We continue to wait for real money to complete projects across northern Ontario. We know that the municipal downloading experience has been a disaster for those municipalities in northern Ontario. The hydro Humpty Dumpty act that this government just went through last week has devastating effects on most municipalities in Ontario. I think of my own municipality of Sudbury where the cost of this experiment will exceed \$5 million plus the rebate costs. That's a significant amount of money when you consider that the city of greater Sudbury was shortchanged by \$10 million with the municipal downloading.

Of course, there's the matter of trust when it comes to the four-laning of Highway 69. People of northeastern Ontario—Timmins, Kirkland Lake, Sudbury, Sault Ste Marie, Elliot Lake, Manitoulin Island—clearly understand that this government is not committed to that four-laning. We look at the issues of Union Gas. There we have two appeals before cabinet, and this Premier is doing nothing. In fact the people of northeastern Ontario

believe that the multi-personality Premier that we have in place must decide which face we are seeing.

Mr Martin: I want to commend the member for Kingston and the Islands. He always speaks passionately on behalf of his community, relates the issues of this place to there, as we all should. I want to say that people in northern Ontario were hoping that, at least this time around, there might be something in this budget bill that would be helpful to them, given that we have experienced seven-plus years of recession and negative economic activity up there. I suggest that the rest of the province should be looking at that, because what happens at the fringes generally, slowly but surely, invades the rest of the body. We could be looking at some rather challenging and interesting times ahead. For example, I have a report here that I received back in the spring of this year in May, that said since March 2001 more than 14,700 jobs have been lost from the northeastern Ontario labour force, a decrease of almost 6%, according to Human Resources Development Canada. March was the eighth consecutive month of job losses in the area. A total of about 3,400 of those jobs were full-time positions. That's what your government has to answer for. That's what your government is responsible for, not this other gobbledegook that we hear coming from the other side all the time.

The northern Ontario economy has been hit by a one-two economic punch since 1995. First the resource sector of the economy was put into recession. Then, second, the public sector underwent a major retraction. The result? While the rest of the economy has boomed with the US economy, increasing by an average of 5% per year, the sectors most important to the northern economy have undergone a recession, a recession largely created by this government, a recession that this government sooner or later will have to answer for, hopefully at this coming election.

The Acting Speaker: The member for Kingston and the Islands in response.

Mr Gerretsen: I'd like to thank the members from Hamilton West, the Attorney General from Willowdale, the members from Sudbury and Sault Ste Marie for their comments.

To the Attorney General I would only say that he stated something about 199 tax cuts. Well, according to our count, there have been 894 user fees either introduced by this government or caused to be introduced by other levels of government because of their gross underfunding. So if this is just a numbers game, you are losing about five to one with all the user fees that have been introduced all over the province over the last number of years.

It's interesting that he talked about tax incentives. Let there be no mistake about it: these tax incentives are paid for by the municipalities. In other words, as a result of these tax incentives that they may use in order to induce businesses to locate within their areas, they are going to lose tax dollars so they will have to be made up by municipalities in other ways. The incentive is there for

the municipalities if they want to use it, but it's not as if it's through the largesse of this government.

Finally, yes, I believe government is a matter of trust, but it's a matter of trust and doing the right thing for all the people out there. It is my fervent belief that the people who need protection most by government are not the well-off in our society, but the vulnerable, the poor and the senior population. They're the ones who we should be looking out for. I think time will show and the people of Ontario know that those people have fared very poorly under this government. They've broken the trust of the more vulnerable in our society.

The Acting Speaker: Further debate?

Mr Christopherson: I appreciate the opportunity to join in the debate. I've only got 20 minutes. I'd love to do a lot more on the whole issue of taxes and the white flag that's being run up as a result of those tax cuts being deferred and what that means in terms of the propaganda the government has been putting forward—spewing forward, if you will—for the last seven years. Time just doesn't permit, other than on some responses.

I want to tackle one of the biggest growing issues that has been identified in this bill. I think this House, in question period and now in the debate on Bill 198, is really only beginning to scratch the surface of what's at stake here. It's complex. I'm the first one to admit that pension issues are not easy to understand. I'm neither an actuary nor a lawyer, so I fess up to the fact that this stuff is hard to digest, comprehend and turn into language the average working person can understand. When that happens, my sense of this is that the opposition has every right to be raising serious alarm bells, as we've been doing.

I want to say a couple of things before I get into the details of it. Number one, it's been put across the floor from the government that, "Well, you know, we had consultations with the labour movement and people who represent workers and their pensions." The fact of the matter is that, yes, there were meetings that took place, but the basis of the consultation papers upon which the consultation took place is different from what we find in the bill now that it has been tabled. For all intents and purposes, you have not consulted on what it is you have proposed, so any argument that you don't need to go out to committee doesn't hold water, given, again, the fact that what was talked about in your pre-bill presentation discussions and what exists in the bill are completely different. If you're going to start monkeying around with people's pensions, you've got an obligation to give those people an opportunity to have their say in how the law ought to be written as it affects pensions.

Let me also put on the record very clearly why the issue of surpluses is more than the employer putting in more money than they need or there being more money today than the actuaries say is needed to make the fund fully vested and there's enough money to pay out the obligations. When the government brought in the legislation in 1987, there was a lot of discussion about what happens with the surpluses as well as about what we do

about the need to provide some inflation protection for future retirees. How do we build that into the legislation? There was some talk of mandating inflation protection through indexing and there were other vehicles that were looked at. Ultimately, what was decided and was explicitly expressed by this Legislature was that the surplus would be deemed to be a proxy for any kind of mandating.

Further, there's a recognition—since pension funds are invested in markets; whether it's bonds, stocks or other investment vehicles, they go into the markets—we know from today, as opposed to if we had had this debate two years ago, that putting money into the market doesn't guarantee anything other than letting go of the dice. One of the reasons that the Supreme Court and this Legislature held that those surpluses need to be put toward future inflation protection is that you need the dollar investment highs to compensate for the lows. So this is not just about whether or not, on the day that a calculation is made by an actuary, there's enough money, whether the employer is fully paid up or not. It's much more than that.

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There are two major issues at stake here. One is what happens when there is a pension surplus. Right now, there's a court ruling, in what's called the Monsanto case—it's been raised here earlier. That case found in favour of the employees; it's now before the Ontario Court of Appeal. We in the NDP caucus believe that the reason this bill is in here now, rather than waiting for the Court of Appeal, is that they're trying to get out in front of that court case to set the law so that no matter what happens in the appeal, the employer's argument is the one that prevails.

Let's understand. There are, I'm reading, over 200 cases potentially affecting upwards of hundreds of thousands of people who are affected by other cases that have been held back, waiting in abeyance, until the outcome of the Monsanto case. This bill has the effect of saying to every one of those cases that's waiting, "It doesn't matter what the Court of Appeal finds; you will be governed by Bill 198."

You know what else it says? Bill 198 takes away the right that people currently have to take the whole issue to court. Bill 198 would deny citizens the right to appeal a pension decision that goes against them, that they now have under law.

Having just gone through the hydro fiasco, is there anybody in the province of Ontario who believes that this government is stepping in ahead of the court case to protect workers? Come on. Nobody's going to buy that. And not only that, this law goes back 14 years—14 years it goes back.

People are scared. You've got to be starting to get the letters. I know I'm getting lots of letters from people in McMaster University, the hospital system. All those who are governed by the pension laws are frightened about what you're going to do. They saw what you did to hydro and they know that anything is possible. So I bet this

thing is rammed through here like greased lightning before people get a chance to really mount up the kind of political head of steam that happened with hydro.

Now, what's happening again, as I understand it—and if I've got a piece of this wrong, by all means, in the two-minute responses, I fully expect government members to set me right. Absolutely. But as I understand the bill and the law and the changes, currently, where there's a pension windup, the surpluses are deemed to be the right of the employees, except under two exceptional exceptions. Exceptional exceptions? There I go again. What the government's proposing with Bill 198 is how those exceptions are determined. Right now, the process and the documents that have to be looked at, the criteria and the documents, are set out by the Supreme Court of Canada, which made a property law ruling in this regard. Between the Supreme Court of Canada and the existing Ontario legislation around pensions, that's how you determine whether or not an employer is entitled to get their hands on the money, free and clear with no questions. It's those exceptions that are being changed.

The current law, as prescribed by the Supreme Court of our country, requires "consideration of all relevant documents and the application of relevant trust law practices." The new law will say "prescribed criteria" and prescribed documents—not all, just the ones that are prescribed. And how do we know which ones are prescribed in the bill? You see, that's one of the problems, because it's not in the bill. That's determined by regulation. Regulations are set by cabinet, and cabinet meetings are secret, held behind closed doors.

It's a Tory government. Who do you think has got the most access and influence with the Tory government? Let's see: employers with millions and millions of dollars, a lot of which they're willing to share for political campaigns, and friends of the government with whom they travel in the same circles, go to the same places, do the same things, or the Ontario Federation of Labour? Gee, I wonder. Who's going to have the greater influence on what the final regulations say?

But not just that. Just because they're brought in after this bill is passed doesn't mean they can't be changed. They might not even be as horrible as we think they might be in the beginning. But over time, when this is no longer a front-burner issue, when this legislation is long forgotten and we're caught up in something else down the road, very quietly the minister brings to cabinet a recommendation for a regulation change, and suddenly that whole world turns upside down. That's what's going on with this bill.

The second piece of it is when there's a partial windup. As I understand it, that more directly relates to the Monsanto case, the partial windup. Right now, the law says—you've got lawyers over there, so if I'm wrong, correct me—that where a full windup of a pension would give employees X benefit, you can't do a partial windup and do the calculation based solely on that little bit. You have to do the whole calculation for what the full windup

would entail, which means you'd then identify the surpluses that are there.

This bill would change that. Listen, this is what the commission sends out right now to employers who ask for permission to sign off on a windup where the employer hasn't identified the benefits going to the employees. They get a form letter that says in part that former members and other persons affected by the partial windup "shall have rights and benefits that are not less than the rights and benefits they would have on a full windup of the pension plan on the effective date of the partial windup." Again, I know this is not easy stuff to grasp, nor is it interesting for people who aren't facing pensions. But for anybody who is thinking about their future, especially when we take a look at what's going on with the stock market right now, this is dynamite.

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They further go on to say, "It is the commission's position that the rights and benefits referred to in subsection 70(6) include any entitlement to surplus that would exist assuming that a full windup of the plan occurred on the date of the partial windup." It is not acceptable to identify partial windup assets as those equal only to the partial windup liabilities.

It's my understanding that in the Monsanto case, the laws as expressed currently were upheld by the courts. The employer is taking that decision to the Ontario Court of Appeal. Bill 198 is meant to get in there and become the law before that court case. How do we know that? Because you deny anybody else the right to challenge decisions made by your superintendent. That is also interesting, because it means the final decision-maker is a bureaucrat, not the laws and rules expressed by the Supreme Court of Canada.

Now, why would a government do that? Why would a government come along and pass a bill that takes away people's rights to go to court and also makes a final decision and changes pension laws before an appeal court has had a chance to hear the appeal? Well, come on. Obviously there's an expectation, at least a reasonable expectation, that the employees might win at the appeal court, and we can't have that. My goodness, we can't have employees running around winning court cases against their employers, not in Ernie Eves's Ontario. So what do you do? You use the power you have to change the law. That's what's going on.

When the government stands up and talks about, "Things can only be decided by two thirds votes" and "this democratic vote" and "that democratic vote," don't get caught up in that. That's not where this argument is. This argument is in that, relatively speaking, narrow part of the law that says when an employer is entitled—entitled—to take the surplus. If you can change that one little piece of the law, nothing else matters, because you never get to a vote, you never get to putting it to the people who are members of the plan or those who are currently retired. In terms of all this stuff the government members talk about, you never get there if the law makes it clear that the employer is entitled to reach in and take

the money. That's what's going on: it's the definition of when the employer, by law, has clear access to those surpluses. That is the issue, as least as I can determine it so far.

Rather than using the experience in 1987, both in the application of the law and the process outlined by the Supreme Court of Canada, we're now going to have the processes, criteria and documents relevant to the decision about whether or not an employer can just take the money decided by a regulation passed in secret by the cabinet, which can also be changed a year from now, six months from now, 10 years from now. It's all reported in the Gazette after the fact. If there's a big enough hullabaloo going on around here, we know stuff can just slide right through, and by the time anybody catches on, my friend, it is long-time history.

Think about it. The law goes back 15 years. The law will deny employees a chance to take their grievance to court, which they now have. It will now be determined by cabinet decision, cabinet decree, about when it is indeed lawful for employers to just reach in and take that money.

People are scared. They have every right to be scared. Actually, with the number of baby boomers—not that I'm comparing age groups—looking at or planning or terrified by the prospect of their retirement, to do this kind of thing in favour of corporations really is disgusting. I mean, some of you must be sickened at the prospect that you're going to give your precious vote to a law that makes it easier for employers to take money out of employee pension plans. You should be, because once again you're going to hurt people.

We warned you on hydro. You had two years' warning that taking care of your corporate friends was going to hurt Ontarians. You ignored that, and look what happened. We're saying to you now—we're raising the alarm—that you are going to allow employers to reach in, without any protection for the public, and take funds out of a pension plan. That's wrong. The bill is bad and it deserves to lose. Every one of you should vote against this.

The Acting Speaker: Questions or comments?

Mrs Julia Munro (York North): I'd like to take the moment I have to explain a couple of the issues upon which the previous speaker centred many of his comments.

There is much that circulates around on this particular issue with regard to the pension surplus reforms dealing with part XXV of the bill. One of the myths that has circulated is simply that the government has not consulted on the surplus reforms in Bill 198, and this is simply not true. There was a consultation paper in July 2001, and over the course of several months we received 78 submissions from pensioners, members, unions and employers. After the announcement in the June 17 budget papers, in August 2002, ministry staff held further discussions with representative groups of, again, pensioners, members, unions and employers.

There has been much made of the notion, the myth, if you like, that the legislation will allow employers to raid pension plans. In fact, there could be nothing further to this. Nothing in this legislation affects the earned pension benefits of plan members and retirees. Any surplus withdrawal must be approved by the pension regulator, as has been the case for many years. The employer continues to be responsible for keeping pension plans solvent.

This proposed legislation provides for negotiated surplus-sharing agreements between employers, members and retirees in most cases, which again has been the practice for many years.

I think there needs to be clarity in our discussion.

Mr Dwight Duncan (Windsor-St Clair): I want to commend my colleague from Hamilton West for quite properly pointing out one of the most offensive sections in this bill, and that is the right of employers to take surpluses out of pensions that should rightfully belong to the members of that pension plan. Historically, at least since 1988, there has been an opportunity to share or divide the proceeds of that. He is correct in pointing out that the government, in addition to abandoning its tax cuts, which we applaud the government for—but the most offensive parts of Bill 198 are those sections he used his time to refer to.

I have heard from people right across the province about this section. The government has tried to convey the phony sense that they've consulted. They have not consulted. They consulted behind closed doors with their corporate friends to give them this reward. If they are intent on consulting, then take up our offer to send this bill to public hearings later this week when you time-allocate it, rather than effectively closing off debate on it.

The member from Hamilton West is absolutely right: this is a gift at the expense of working people. It's a gift to the corporate side that the government has buried among a lot of other very offensive pieces in this Bill 198, that in our view will negatively impact on all parts of society. But most offensive in this bill—and the discussion that the member from Hamilton West provided us with educated me as to the implications of it; certain aspects of it I didn't fully comprehend. I urge the government to heed his warning and do the right thing and not proceed with this attempt to allow employers to take surpluses out of pension funds.

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Mr Martin: Again, I am happy to rise tonight to comment on the speech given by the member from Hamilton West, who always comes in here with a very well thought out and good analysis and presentation of bills before us. We've heard over the last few days some debate back and forth between the leader of the official opposition and our party on this issue. But tonight we heard a more detailed description of just exactly what is going on where pensions are concerned and this bill. It would behoove anybody who wants to understand this more clearly to take a look at Hansard and refer to this speech that we were given here tonight.

This government has a serious case of wanting to tip the scales continually in favour of their friends and benefactors, to the point where they've now taken to putting things into legislation that even allow us that place of last resort, where we could all bring issues—there is a tipping of the scales concerned to the courts. This government builds in, time and time again here in this place, provisions in legislation that supersede taking things to court, go above and beyond the ability of court to decide or to intervene or intercede in these kinds, and that's a very serious concern. It should be a very serious concern to everybody in Ontario, and particularly where it concerns a person's income and ability to look after oneself in one's senior years and if it affects one's pension.

This government knows no bounds, no end, when it comes to delivering on promises to their corporate friends. But they're certainly very well versed in what it takes to hammer those people that it sees as—

The Acting Speaker: Thank you. Questions or comments?

Mr Bob Wood (London West): We've heard a lot of comment about the effect of this bill on pension plans. The Minister of Finance has been fairly clear in saying that what this bill does is permit an employer who is entitled to a withdrawal to make a withdrawal with the approval of the regulatory authority. That's what she has said the bill says. I notice that none of the opposition critics have produced any letter from a lawyer or an actuary that says that's not what the bill says. We've heard a lot of rhetoric, but we've heard no substance to these criticisms.

The actual fact of the matter is that I question in my mind whether they have any substance to back up the rhetoric. I think in fact they do not. I think the Minister of Finance has made a quite clear statement as to what this bill says, and if the opposition has some reason to think that she is wrong in her interpretation of the bill, they have to give us credible evidence that's the case. Until they do, I don't think they can think anyone is going to take their criticisms very seriously.

I was also interested in noticing that there was no talk about the general financial policy of the government over the past seven years, of which this, of course, is an integral part. The actual fact of the matter is we have had an outstanding success in financial management over the past seven years. An \$11-billion deficit has been turned into three consecutive budgetary surpluses. We've gone from very irresponsible financial management to some of the best financial management this province has ever had in its history. I think we can see the results of that in the one million new jobs net that have been created since 1995. I think the people of this province have very great confidence in the budgetary policies of this government because those policies have been such a benefit to them.

The Acting Speaker: Response?

Mr Christopherson: I want to thank my colleagues from York North, Windsor-St Clair, Sault Ste Marie and London West for taking the time to respond. To my friend from York North, it didn't take very long. I told

you in my remarks the government was going to pop up and say, "We consulted," and they did that. Of course, the reality is, and I said it before, what they consulted on when they talked to people and what is now in the bill are entirely different. You de facto did not have consultation on Bill 198; you had a nice discussion with some people.

I thank my colleague for Windsor-St Clair for his kind remarks; the same with my colleague Tony Martin. The member from London West—fascinating. Now, he is a lawyer and I wish I had jotted it down the second he said it, but I think you referenced your finance minister saying that all this does is clearly make the case of when employers are entitled to withdraw money from the funds. And that's the whole point. What I'm arguing—and believe me, there'll be all kinds of lawyers who are prepared to come forward and give all the substantive lawyerly comments and phrases you want as long as you give the people a chance to have something to say in public hearings. If you do that, I guarantee you will get all of the legal submissions that you could ever possibly want. Just give us that right.

The member knows that I can't very well make up the sort of arguments I did. I would invite him to take a look at the Supreme Court of Canada ruling, *Schmidt v Air Products*. It was that court case that made the determination of what the law is right now as it is applied in this province. You want to change what our Supreme Court of Canada said about pension rights and put in what your cabinet says. I want to go with the Supreme Court of Canada over your cabinet 10 times out of 10.

The Acting Speaker: Further debate?

Mr Norm Miller (Parry Sound-Muskoka): It's my pleasure to join in the debate this evening on Bill 198, the Keeping the Promise for a Strong Economy Act, 2002. I'm happy to be able to participate in this debate this evening, since it reaffirms the province's commitment to guaranteeing the exceptional quality of life that people in this province are enjoying. Certainly, since 1995 the government has worked hard to return this province to prosperity. You only have to think back to those days prior to 1995 and remember how tough it was when we were running some fantastic \$11-billion deficits and had significant unemployment to remember now how successful we have been.

We've become successful by reducing taxes to create jobs, and it's worth noting that just recently we passed the one million new-job barrier—one million new jobs in the province.

Interjections.

Mr Miller: Yes, I see members opposite commenting on that. That is very, very significant and I'm very proud of the government, and I think all those people who have those jobs are pretty happy as well. Certainly removing barriers to growth has been a big part of the reason we've been able to create those jobs, as is balancing the budget and paying down the debt and investing in infrastructure for the future.

The government knows that communities are facing pressing fiscal challenges. We understand that appro-

priate funding is necessary to help municipalities build new sewers and roads. That's why we announced opportunity bonds as a lower-cost financing tool that would be available to assist Ontario municipalities needing to make significant improvements in their infrastructure over the coming years. I was pleased to participate in a consultation to do with opportunity bonds and tax incentive zones that occurred in my riding in Parry Sound just a couple of weeks ago. We certainly had some great representation with many municipal politicians. Of course, there are 26 municipalities in the Parry Sound side of the riding. Many of the municipalities were represented, as well as quite a few business leaders. They were very excited about the tax incentive zones and the opportunity bonds that are being made possible through this legislation.

That's why we proposed to introduce legislation providing a provincial tax exemption to investors in opportunity bonds, so that you won't pay provincial income tax if you invest in an opportunity bond. Certainly from that consultation in Parry Sound there was a strong voice wanting the federal government to also provide a tax exemption for the federal tax on investments in opportunity bonds, because that would greatly enhance the investment opportunity and the returns on an investment in opportunity bonds and encourage more people to invest in them, and that would provide more money for the municipalities.

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In addition, to support opportunity bonds and help defray the entry costs into the bond market, Premier Eves announced at the Association of Municipalities of Ontario conference in August the creation of the Ontario Municipal Economic Infrastructure Financing Authority, or OMEIFA. This new body will control pooled resources that will allow municipalities to borrow at interest rates that are 50% below market rates. That is certainly very significant and very important for municipalities. OMEIFA will be started with a \$1-billion initial investment, capital funding, along with \$120 million through the Ontario Clean Water Agency. This is provincial money being invested into this new organization which will be dedicated to financing municipal sewage and water infrastructure as well as other municipal projects. This initial capital infusion would be used to subsidize 50% of the interest costs of any funds borrowed by municipalities through the new financing authority.

The act we're debating here today also enshrines OMEIFA in legislation, thus ensuring that it will be able to operate efficiently as it goes forward and provides much-needed financing for municipalities through the issuing of opportunity bonds. To create an effective financing body, the Ontario Financing Authority, OFA, which is the province's borrowing agency and manages its debt and cash flow, is developing the organizational structure for OMEIFA. The province will also put together a team that will provide advice on the design and details regarding OMEIFA's implementation. Team

members will be selected to represent both the interests of the province and the municipalities.

In creating this new authority, the province continues to fulfill its commitment to municipalities to provide them with financing tools to meet their infrastructure needs. Recent raises in debt ratings of Ontario municipalities by Moody's Investors Service confirms that we are on the right track. On September 26, 2002, Moody's Investors Service cited OMEIFA as one of the reasons for raising the city of Toronto's debt rating to AA1 from AA2, stating, "A provincial commitment to provide financial support to transit projects will provide new funding to the city, helping to offset pressures.... Furthermore, the creation of a new provincial agency, the Ontario Municipal Economic Infrastructure Financing Authority, and the provision of provincially subsidized lending through this body will provide additional benefits to the province's municipal sector."

For the same reason, on October 28 Moody's also raised the debt rating for the city of North Bay two notches, from BAA1 to A2, stating, "The upgrade reflects the recent provincial announcement regarding financial support for municipal infrastructure projects." I am sure the member from Nipissing, who is here with us this evening, will be happy to know that the city of North Bay's rating has been improved.

This act, if approved, will allow the province to put in place the measures that will continue to lead the province on the road to prosperity. On this road, we will continue investing in the infrastructure on which our quality of life depends—highways, transit, universities and colleges, hospitals, water systems, and community facilities—through SuperBuild, the Ontario organization that invests in all the infrastructure projects in the province on behalf of the province. SuperBuild was created to make these investments and is playing an important role by coordinating capital investments in Ontario and promoting new projects that build for the future.

SuperBuild Corp's role is also to identify needed investments and develop new partnerships to ensure that taxpayer dollars go further. To build working partnerships, SuperBuild taps into the management experience and creativity found in the private sector and encourages pooling of these resources with public sector expertise and needs. Investments are extensive. SuperBuild has committed to investing at least \$20 billion of public and private investments in infrastructure over five years. This is the largest infrastructure building program of its kind in the history of the province.

SuperBuild investments cross all sectors of the economy: renewing and building new hospitals, improving highways, expanding sports and recreational facilities, upgrades to water and waste water infrastructure, colleges and universities and more.

I had the opportunity to be at the original announcement in the Port Carling arena for a SuperBuild sports-cultural tourism partnership announcement. Then, just a month or so ago, I was there for the grand opening. The minister who administers that program, Tim Hudak, is

here with us this evening as well. I was very pleased to be there at the opening. That was a small investment, relative to the grand scheme of things, but certainly appreciated in the village of Port Carling, where the arena received some major upgrades: new change rooms, new lighting, handicap-accessible ramps into the arena and handicap-accessible washrooms—very worthwhile investments. You certainly see on the local level how important these SuperBuild investments are to the people when you are able to be as lucky as I was to be there for the announcement and the grand opening.

Our infrastructure investment means that the people of Ontario will have the services they need, where and when they need them. These investments will ensure that our communities have the foundations to promote new growth and new jobs.

Other SuperBuild investments in the riding of Parry Sound-Muskoka include the Muskoka wharf project, a significant investment for the province of Ontario. It's an important project for the whole riding, as Gravenhurst is established as the Gateway to the North with the Muskoka wharf project. There is significant private money invested in that project, about \$20 million, as Gravenhurst rebuilds the waterfront. There's also the Rosseau waterfront project, another recently approved SuperBuild project, which is going to revitalize the village of Rosseau, another beautiful village in my riding of Parry Sound-Muskoka. I encourage anybody here to come and visit sometime when they get an opportunity to come the beautiful riding of Parry Sound-Muskoka, a haven for tourism, I might add.

This act, Keeping the Promise for a Strong Economy Act (Budget Measures), 2002, advances our commitment to growth and prosperity in Ontario. The act, if passed, will continue to make important but long-overdue investments in our infrastructure to meet the needs of a population that is changing with new growth and technology. Through SuperBuild and its partners, the province will stimulate local economies, improve the quality of life in our communities and create construction-related jobs in every area of the province.

To date, SuperBuild and its partners have committed to invest over \$13 billion in more than 3,300 projects. In the 2002 budget, the Minister of Finance announced an allocation of \$2.7 billion for infrastructure investments. These important investments include \$1 billion for highways. Certainly I see significant investment in Highway 69. I hear the member from Sudbury, just about every day, talking about Highway 69. Meanwhile, the government continues to invest record amounts of money on Highway 69. There is unbelievable construction in the Parry Sound area as work continuously goes on. It was happening just about night and day all last winter.

Mr AL McDonald (Nipissing): What about Highway 11?

Mr Miller: And also on Highway 11, the member for Nipissing points out. He recently opened a new section at Trout Creek, the new Trout Creek bypass, seven kilometres there, and I was just north of Huntsville opening a

new 13-kilometre section between Melissa and Emsdale—significant improvements. There are now just 47 kilometres on Highway 11 between Toronto and North Bay left to be completed in the next eight years. I know some people think eight years is a long time, but it's really quite an aggressive timetable, with about \$35 million a year being invested on Highway 11 alone. It's really quite an aggressive timetable when you look at all that's involved in acquiring property and all the design work that goes into building a new highway. We are committed to finishing that as off, as the member for Nipissing points out.

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The minister also announced \$342 million to build or expand hospitals and other health care infrastructure in communities across Ontario. Of course there will be a new hospital in Parry Sound, an over-\$60-million project. The request for tenders has gone out and the full construction is going to be starting in the spring. There are long-term-care facilities being built all around my riding and all around the province as the 20,000 new beds are being created around the province.

Mr McDonald: A \$200-million hospital in Nipissing.

Mr Miller: A \$200-million hospital in Nipissing, the member for Nipissing points out; \$143 million for the renewal and construction of courts and jails; \$135 million for projects to improve and modernize cultural and tourism facilities.

Construction will begin this year on a number of major highway projects in the GTA to address gridlock and improve safety. I think that's very important. Safety is certainly important, and addressing gridlock is important to the economy of this province and also to the environment. Cars stuck in traffic jams are very significant, even when there's a reduction in speed on the highways from 80 to 60 kilometres an hour. I understand the pollution level just about doubles with a reduction of speed, so when a car is not moving, of course its pollution level is significant.

We've also moved forward with upgrades to our major highways, and this includes improvements on Highways 7, 400, 401, 427 and the QEW. As part of Ontario's Smart Growth strategy, the province is also preparing Ontario's transportation network to support economic and population growth expected over the next 15 years. There will be a new highway connecting with Highway 427 north of Highway 7. We will extend the 404, establishing a Bradford bypass, and Highway 407 east to Highway 35. I think it's very important that we're making these investments, because for many years there haven't been the investments necessary in Ontario's highways.

As a northern member and as the PA to the Minister of Northern Development and Mines, I'm happy to say that we have not left out the north. I'm very proud of the investments we've been making in the north. To help boost efficiency in transportation and the economy of the north, we are continuing with major highway projects in the north this year, including highway rehabilitation and

safety projects and major expansion in four-lane projects on Highways 11, 17 and 69. I know the minister was recently up making announcements to do with highway safety improvements on 69 south of Sudbury and also on Highway 17. This year we're investing a record, I believe, \$250 million in northern highways. There have been significant improvements in northern highways in the last number of years.

We also support municipal road infrastructure, including investments through the connecting links program, the Ontario small town and rural development program—OSTAR—and millennium partnerships initiatives. I had the pleasure of going to Manitoulin Island to take part in a connecting links program announcement earlier in the year.

The government has been listening to Ontarians and making key infrastructure investments in people's priorities. The Ministry of Health and Long-Term Care will increase capital investment in hospitals and the health care system to a total of \$342 million. Hospitals and other health care providers will be able to continue to modernize, upgrade and expand their infrastructure and services across the province.

As you can see, these investments are very diverse in nature. But despite our large investments, significant infrastructure needs remain, leading us to increasingly look at public-private partnerships. To be successful, we will need to find new, creative means of financing and managing our infrastructure. That's why we are looking at new ways of investing capital to develop and maintain the infrastructure that would promote economic development.

We, like many other levels of government, are turning to public-private partnerships to provide public infrastructure and related services. What makes public-private partnerships in infrastructure development work is that all partners are entitled to the rewards associated with such partnerships, but at the same time they agree to share potential risks.

The Keeping the Promise for a Strong Economy Act, 2002, supports communities and the government's role with public-private partnerships to improve infrastructure and services for the people of Ontario. For example, two hospitals are now undergoing public-private pilot projects, or P3 projects as they're called, to assist the government and the hospitals to understand how to best apply partnership models that have been successful in other jurisdictions.

As part of the evaluation and approval process, the hospitals and the province will ensure that the partnerships deliver better value for money than the traditional government top-down approach. Our key objective is to use private sector expertise to design, build and maintain the new facilities efficiently, quickly and within budget.

There are many examples of partnerships in Ontario, including the Art Gallery of Hamilton, with a contribution of \$2.5 million from Dofasco; the Canadian Opera House, with \$20 million from Four Seasons; Variety Village, to which McDonald's and the Royal Bank each

offered to contribute \$1 million; and, as I previously mentioned, Muskoka wharf, where there's \$20 million being invested privately in an exciting new tourism waterfront development.

P3s, or public-private partnerships, have been involved in services from a water treatment plant in Goderich to the replacement of the Rossland Road grade separation in Whitby to the relocation of the University of Waterloo School of Architecture. We are grateful to have such P3 success stories as examples of how these partners brought their expertise to meet defined public need and shared the risk and rewards to the benefit of taxpayers.

We encourage partnerships in all areas, but in particular we call on a demonstration of federal support for municipalities through the provision of tax exemptions to investors in opportunity bonds and a capital injection in OMEIFA by the federal government. As I previously mentioned, that point was raised at the tax consultations in Parry Sound, which I attended.

By supporting the initiatives in this important act, we demonstrate that we are indeed committed to putting the right fundamentals in place for continued growth and prosperity.

I think the government is on the right track, and this bill is helping to keep the government on the right track.

The Acting Speaker: Questions or comments?

Mr Michael Gravelle (Thunder Bay-Superior North): It was very interesting listening to the member from Parry Sound-Muskoka in a number of areas. I could go on about a lot of them, but I'd like to focus on one thing he was talking about, which was the funding the government is putting into highways in the province. He made specific reference to the north, and I thought it was interesting, from the perspective of a member from northwestern Ontario, that he made reference to no highway work in northwestern Ontario. The reason for that is because the fact is that northwestern Ontario, in terms of the northern highway budget, gets far less than its fair share. We consistently get less than 25% of the budget.

There are a number of extraordinarily important projects that must move forward on the rehabilitation side. I think of the Highway 584 project between Geraldton and Nakina, an extraordinarily dangerous piece of road that has had increased use because of the Nakina Forest Products development. It's a road that now is truly dangerous, and it should be an absolute priority—no funding for that this year.

But there are some larger projects that we think are really important as well. The member made no reference to them, because clearly we're not getting support for them at this point; that is, the four-laning also between Thunder Bay and Nipigon. We've seen the traffic increase dramatically, we've seen the volume of transports increase dramatically and we've seen many accidents and some fatalities in those areas, and also, may I say, toward Vermilion Bay in northwestern Ontario toward Manitoba.

It's disturbing to once again have to alert the House that our part of the province is being ignored. It was significant, for example, that when the Minister of Northern Development and Mines came to the northwest to announce highway improvements, he went to Hudson, Ontario. There was some rehabilitation work around there. He didn't even come near the Thunder Bay area to make those announcements, and we understood why. Because there was nothing to announce in all the Thunder Bay district. This is of very great concern to all of us: to the Northwestern Ontario Municipal Association, to the chambers of commerce and to the constituents who have to drive those roads.

Mr Christopherson: Interesting comments from the member for Parry Sound-Muskoka. I'm not sure he made any reference at all to the pension changes—forgive me, I was distracted for part of his remarks—but if he did, I'm willing to bet there wasn't a whole lot said, and likely there wasn't anything said.

We're not going to let go of this issue. You're just not going to do this to people who are relying on pensions to be there for their retirement years without one hell of a fight. That's the reality of this. They've told me—the closest they came was the member for London West, who tried to say we didn't give enough substantive arguments, we didn't have lawyers, documents and everything.

Interjection.

Mr Christopherson: Oh, hang on. You had your chance and you didn't say anything of any note.

The fact of the matter is that the proof is right there in the bill. There are 30 separate parts to this bill. Most of them relate in some way to budget bills or things that are impacted by the budget. I refer to things like the Assessment Act, the Business Corporations Act, Commodity Futures Act, Community Small Business Investment Funds Act—the sorts of things you would expect to see in a bill that flows from a budget.

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What you don't expect to see is part 25, the Pension Benefits Act. But what does the explanatory note say about this? "Amendments to the Pension Benefits Act relate to the payment of surplus out of pension plans, the authority of employers to take contribution holidays and the authority of the superintendent to permit refunds to be made to employers in specified circumstances." My remarks are about how that small little thing called "specified circumstances" is being ripped open to make it nice and easy to get in there with big paws and take out huge chunks of money. That's what's going on.

Mr McDonald: It's my pleasure to join the debate. I listened very closely to the hard-working member for Parry Sound-Muskoka. He was dealing with SuperBuild issues and issues that are close to the heart in northern Ontario. We're referred to as the two northern guys on this side of the House, and I just want to tell the residents of northern Ontario that we're standing up and fighting for you.

I find it very interesting, the member for Thunder Bay-Superior North and the honourable member for Sudbury speaking to Highway 69 in the House every day. I congratulate them for sticking up for their area. But I must say, and this is before their time, that when the official opposition was in power, they averaged \$5 million a year on northern highways, and they're blaming us for the highway not being four-laned today. It's interesting that we're averaging \$30 million to \$35 million a year. So this government does have the best interests of northern Ontario at heart. It's investing six times what your party invested in northern Ontario. So when you stand up and say how bad we are, maybe you should look in the mirror.

I was very pleased to be part of the announcement of our \$200-million hospital in North Bay, the \$11-million hospital in Mattawa and the four-laning of Highway 11; I think there's about 47 kilometres. This government is doing a lot for northern Ontario. I would just ask the members across, where were they when your party was in power and you did nothing for northern Ontario?

Mr Duncan: I'm pleased to have the opportunity to respond to my colleague from Parry Sound-Muskoka. I just want to remind him that he didn't talk about what the main points of Bill 198 are.

First of all, this legislation delays the government's planned cuts to personal income taxes and corporate income taxes, and the private school tax credit. Bravo. You couldn't afford these anyway. This is a retreat from the very fundamentals of your own policy, which we in the official opposition said would happen. Now it's happening.

And what is the guise for this? I have to quote here. The government says it's delaying the cuts due to a "short-term fiscal problem," and is planning to sell \$1.8 billion in assets. What do those assets include? Hydro One: a fire sale of this province's electricity grid, the crown jewel of our public infrastructure. You're going to sell it at fire sale rates because of your bungling of the entire hydro file. You're going to give it away in an attempt to raise cash to meet a commitment this government made which it cannot keep. You were warned you could not keep this commitment, and now you must back down on the centrepiece of Mike Harris's political career, the Taxpayer Protection Act. This shows that act for what it was: phony. The first time they get into any difficulty, they just amend it out of existence. It was all talk. You're backtracking, flip-flopping, double flipping on this, just like you did on hydro. I'd like to hear the member for Parry Sound-Muskoka talk about those issues.

The Acting Speaker: Response?

Mr Miller: I'd like to thank the member for Thunder Bay-Superior North for his comments. He made some comments to do with northern highways. I'd just like to reiterate that we are making record investments. The member for Nipissing also talked about investments in northern highways. He said \$30 million to \$35 million a year. That's just for Highway 11, member for Nipissing. I understand he is interested in that. The actual invest-

ment is about \$250 million a year, a record investment. So you don't want to go anywhere near comparing your record to current spending on northern highways, because this government has been making a very significant investment.

The member for Hamilton West talked about pension surplus reforms. He's scaremongering, in my books. It's really about ensuring the long-term financial viability of these pension funds. If I had time, I'd go through many different points on that, but I don't have time in the next two minutes. What we're talking about in terms of the pension surplus reforms is ensuring there is money there for the future for all those people who are going to be depending on it, and I think that's the responsible thing to be doing.

The member for Windsor-St Clair talked about tax cuts. That's very interesting, the Liberal Party that voted against every tax cut that has occurred in the last seven years—

Interjection.

Mr Miller: You did, yes, and those resulted in an extra \$15 billion that we've used now to invest in hospitals and highways, in lots of good things people want in this province that came about because we provided those tax cuts so that the people of this province could use their hard-earned money to invest and spend wisely, as only those who work hard for the money know how to do. So I don't think the member for Windsor-St Clair should be talking about tax cuts.

The Acting Speaker: Further debate?

Mrs Lyn McLeod (Thunder Bay-Atikokan): I welcome an opportunity to contribute to this debate on Bill 198.

The first thing that strikes me is that once again this government has fulfilled its commitment to find the most creative possible names for its acts, names that in fact camouflage the real intent of the acts. Bill 198 has been given the title, I believe, of Keeping the Promise for a Strong Economy. I think Bill 198 would be more appropriately named something like the Breaking Promises Because of a Desperate Need for Economic and Fiscal Band-Aids Act, because that would more truly represent the contents of this omnibus bill.

I want to address a few of the ways in which this government, in its desperate search for Band-Aids, has reached out to alter what from the very beginning was a disastrous fiscal and economic policy.

First of all, there's the fact that they are going to delay their \$2.2-billion corporate tax cut, a corporate tax cut that we have said all along this government cannot afford, this province cannot afford, and in fact this province doesn't need, even in the interests of the competition the government gives as its reason for bringing it forward. We don't need it for competitive purposes. As my colleague from Scarborough-Agincourt has said over and over again, we are already 25% below the American jurisdictions. How far below them do we have to be to consider ourselves competitive? We don't need it for competition's sake, and we certainly cannot afford it.

As my colleague from Windsor-St Clair has just said, the government is delaying this corporate tax cut for a year because they have a short-term fiscal problem. I don't think it's just a small problem and I don't think it's very short-term.

We know that one thing the government thought they could do was solve this short-term fiscal problem with a quick fire sale of Hydro One, as my colleague has just noted. They've had to backtrack a little bit on how they were going to get some quick cash from selling off our electricity transmission system, probably the most vital cog in ensuring reliable and affordable electricity to homes and businesses in this province. The keystone of our economic growth is electricity that is reliable and affordable. The transmission system is the key to that, and this government was prepared to sell off the whole thing, Mike Harris's parting contribution to the province of Ontario.

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Ernie Eves was quite prepared to go along with that. As I recall, he was quite prepared to go along with it right up until I think it was the day before he was facing a very angry electorate in the riding for which he was seeking to become the new member. The day before the by-election he announced that he wasn't going to sell Hydro One after all, that it was off the table. It kind of calmed the voters in that new riding long enough to get Mr Eves a seat in the House. Once Mr Eves got a seat in the House, suddenly the sale of Hydro One was back on the table. But it wasn't quite a complete and total flip-flop because—

Mr Duncan: He changed his mind again?

Mrs McLeod: He changed his mind again, but not quite totally—49%. I didn't understand how this government could possibly rationalize in the name of a one-time-only cash infusion—I know they desperately need it—selling off this most important public asset. I have no idea why they think selling off 49% does anything for the economy, for the long-term fiscal health of this province or for the people who need access to electricity in a way that is reliable and affordable, how selling off 49% possibly serves that purpose. It is there purely and simply because the government is desperate for cash.

So much of what this government does in a desperate reaction to try to fix up the messes it has made, the crises it has created—and over and over again we see crises this government has created. The long-term consequences of what they do to fix the messes they created are truly disastrous for this province.

This is the same government that last May 1, Mr Eves being relatively newly elected, having retreated somewhat from Mr Harris's rush to sell off Hydro One—although, as we've seen, he came back to it again—Mr Eves decided he would just continue and rush right along into deregulation. What did we have over the course of the summer? We had electricity retailers, like Direct Energy which knocked on my door one Saturday morning and wanted me to sign a fixed contract for electricity for six cents a kilowatt hour, signing up thousands of

Ontarians who were justifiably worried about what was going to happen to the price of electricity and who were prepared to sign, with Direct Energy and others, a six cents per kilowatt hour contract.

The government realized that even six cents per kilowatt hour was leading to very significant increases in hydro bills for people across the province, so they decided last week that they would come out and cap rates at 4.3 cents, and now, I guess, one of our short-term and longer-term fiscal problems is going to be where we find the money to subsidize the difference between those six-cent, fixed-term contracts that this government was so anxious to see people sign—in fact the government's agency, the IMO, which regulates electricity, was encouraging people no less than three weeks ago to sign those fixed contracts at six cents a kilowatt hour because they thought that was the best deal they could get.

This government was out encouraging these fixed contracts. It decided it was going to cost a little bit too much so they decided to put this freeze on and now we're going to be subsidizing the private retailers that were so anxious to get out into the field.

It doesn't end there, and I'm just talking about the fiscal messes, the long-term economic consequences of the messes this government has created within the last couple of weeks. The government is now saying they're also going to have to subsidize the private sector to come in and build some new electricity, because they're not going to do it at 4.3 cents a kilowatt hour, and they know we need some more generation, more electricity. So they're going to subsidize the private producers.

Once upon a time in this province we talked about something called power at cost. We saw electricity as being a public good. We thought it was important that we be able to ensure that people were paying what was necessary to ensure they had the electricity, but not exorbitant costs. I don't know any longer what power at cost truly is because this same government, this Harris-Eves government that absolutely abandoned it—was it a five-month electricity policy?

Mr Duncan: Five months.

Mrs McLeod: Abandoned it after five months, having created absolute chaos. This government that has now brought in price caps is the same Harris-Eves government that brought in price fixes in order to win an election in 1995. Mike Harris and Ernie Eves ran on a platform of no increases in hydro rates—freeze hydro rates.

The Minister of Energy said one true thing somewhere in the last four, five or six weeks of debate in this House about electricity. He said Ontarians haven't been paying the full cost of electricity. The reason that is a true thing is because his government froze the rates for six years. They froze the rates for six years, so in fact we're paying the costs of the electricity we were consuming.

But then the answer to all the problems in electricity was going to be to sell off all our generation to the private sector, because in their market-sector-economy minds, private sector competition is what will bring the price down. But to sell off our public assets, they had to

make sure they weren't going to be too expensive to the private sector. That's a different kind of fire sale. So they just said, "The taxpayer will absorb the indebtedness of the assets that Hydro, Ontario Power Generation is about to sell." So in addition to the increased rates we're seeing as a result of the government's deregulation, we are also seeing the debt charge added to our hydro bills. This government rolled all of these costs on to the backs of hydro users all at once. They realized it was not sustainable, they changed their policy, and now we will face the fiscal and economic consequences of that.

That's just one of the reasons why we can't afford a \$2.2-billion tax cut. I have had some involvement in health issues in the last little while, and I certainly want to address the fact that this government can't afford to put \$2.2 billion into a corporate tax cut that we don't need for competition when our vital health services are being absolutely strangled for lack of funding. Just this week, I say to the Minister of Health, who has joined us in the House, as he well knows, the hospitals of Ontario have said to him, "We are insolvent, on the verge of bankruptcy. We're in debt. We have deficits. We can't afford to keep running with the funding we're getting"—hospitals of this province insolvent. That's just one health issue.

Home care rationed: there aren't waiting lists in home care. I do want to acknowledge that. The waiting list for home care disappeared when this government decided to replace those CCAC directors and board members who were complaining about the fact that they didn't have enough money to provide adequate numbers of hours of home care. So the waiting list disappeared and so did the ability to get even the rationed number of hours of home care to people who needed that support.

Or we could talk about long-term care. What was the title of this bill again? Keeping the Promise for a Strong Economy? Ontario, which brags about having a strong economy, has the lowest number of nursing hours per capita in our long-term-care homes of any province, in fact of most jurisdictions that have been surveyed, whether in the United States or in Europe, let alone in Canada. For shame, in a province that supposedly has a strong economy as we speak.

Mental health: the stories yesterday about the fact that a government that said it wasn't going to close psychiatric beds simply isn't funding the hospitals to keep the beds open, to hire the staff, to keep those beds open, so we have more people with psychiatric illness inappropriately in our jails than we've ever had before.

Physician shortages: about a year ago we were worried about the fact that there were 109 communities in the province of Ontario that didn't have enough family doctors, that were underserved for family doctors. It's 122 now. It just keeps getting worse and worse and worse. The government keeps talking about what it's going to do, keeps announcing plans, but doesn't get any new people out there. It doesn't actually get people out into the field to make sure Ontarians can have a family doctor.

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The list goes on and on. My colleague the member for St Catharines this afternoon raised again in the Legislature the issue of Visudyne. We worked so hard to get this government to recognize the fact they need to put some dollars toward the prevention of blindness in people with wet form macular degeneration. Finally the government said "We hear. We're going to act on it"—only you have to have a 50% vision loss, you have to be half blind, before you actually get the support. In the province of Ontario, under the Harris-Eves government, we don't have a strong enough economy left to actually be able to keep people from going blind in this province.

I could go on and on and on about health care, but I do want to get into the fact that one of the other things touched on in this bill is that they're going to delay the private school tax credit.

Interjection.

The Acting Speaker: Order. Member for Peterborough, the minister, I'm warning you. Any more interventions, and you're gone.

Mrs McLeod: I'd be happy to give the minister a late show, Mr Speaker.

The private school tax credit is being delayed, not cancelled, even though Mr. Eves has called it ludicrous. That was before he became Premier, I guess. Things change once you assume the responsibilities of office, I gather.

The private school tax credit is being delayed. This is one which should be cancelled. It should be cancelled, not just because we cannot afford the \$500 million that they're going to put into the private schools at the expense of public school education. This private school tax credit should be cancelled because it is being put in place, when the government brings it forward, at the very time when private schools are being flooded with people coming in, with children being transferred out of the public system to the private system—not because of their religious preferences. This has nothing to do with religious choices. This has to do with people flooding into private schools, away from the public education system, because they don't want their children in crowded classrooms, they don't want their children in classrooms that don't have enough textbooks, they don't want children with special needs in classrooms where they're not getting the support they need.

Those are the issues that need to be addressed, issues of underfunding of public education, crowded classrooms, no textbooks, no special ed, not enough support for extracurricular activities that are so important a part of a full education. Those are the issues this government should address, not putting \$500 million into a tax cut.

This is an omnibus bill. I'm inclined to spend most of my time on the issues that I care rather a lot about, which are health care and education in particular, but there are some things I want to note about the fact that it's an omnibus bill. There's so much here that could be addressed.

Tax incentive zones: I find this one really ironic. I know there are some, in my experience, large and fairly

well-to-do municipalities that have pushed for tax incentive zones in the past. The way this is presented in this bill is that this is an offering from the government, an offering from the government to municipalities that don't have a strong economic base to allow them to offer some tax incentives, that by offering lower-tax incentives, maybe they can induce businesses to come to their community to build a stronger economy in their community. After all, this bill is about strong economies.

The reason I find this so ironic is because this is the same government that has downloaded cost after cost after cost on to those same municipalities. I just finished writing a letter to the Minister of Health which I hope he'll respond to, because it relates to a letter that was written to him in May of this year, some five months ago, from the Rainy River district services area board about the cost of ambulances. This is an area board, with small municipalities, just the kind of municipalities that I guess are supposed to be helped by this tax incentive. Well, they're small municipalities that also have to provide ambulance service in unorganized townships. Mr Speaker, you know about unorganized townships. It appears the Ministry of Health doesn't. They're not providing the funding that they're supposed to provide to allow the Rainy River district services area board to pay the ambulance cost to serve the unorganized territories. I hope the Minister of Health will finally respond to a letter that was written to him five months ago and resolve that particular dilemma.

But the dilemmas of the municipalities go on and on: downloaded costs not just for ambulances but for social housing; I've discovered it has also downloaded costs for second-stage housing for women who are the victims of violence; downloaded costs for water infrastructure. And don't recite to me all the things that SuperBuild is going to do to help municipalities with the water infrastructure when in fact we've got a bill that says they're going to have to recover the full cost of that by charging people more for it.

This government has made life almost impossible for municipalities, and now they come and offer them a gift out of the goodness of their hearts. They offer them the gift of being able to allow for lower property taxes in order to build their economic base. It reminds me a little bit of the gift they were going to offer municipalities in another omnibus bill, the very first bill, I think Bill 26, the bully bill. One of the things that was in that original bully bill was a head tax. They were going to let municipalities charge a head tax to solve their economic woes. I suspect the municipalities might welcome that now, with all the downloading that has gone in the past few years since the bully bill was presented.

I have a real problem with omnibus bills. I'm not going to be able to deal with my problems in the last two and a half minutes I have. There is just so much in this bill. It should not be presented as one, large omnibus bill. I'm beginning to think this government only knows about omnibus bills. It's not just that we can't deal with everything in the course of the debate of the evening, of the

day. It's because the omnibus bills—the parts we miss, the parts we couldn't debate, the parts that the public wasn't aware of—come back to haunt us. One example from that first omnibus Bill 26, a little clause in there that said that the manager of OHIP was given the authority to withhold payments from physicians for services that had been rendered in their office. Well, that little clause wasn't acted on for a while, but now we are seeing it used in a way which can only be described as a very arbitrary and very deliberate attempt to grab cash from physicians who have in fact provided services, like the family doctor, the more senior family doctor in Brantford who was told he had to repay government because he was making too many house calls, because he was making more than the average number of house calls. This man actually believed in house calls. It's pretty easy to make more than the average number of house calls. I suspect if you make two house calls a week you are over the average number of house calls. But this government somehow thought that they could let the manager of OHIP just go and get money back to solve their short-term fiscal problems, I guess, by setting these arbitrary measures in place, result of one earlier omnibus bill.

I think there are many results that we are going to see over a continuing basis from this omnibus bill. My colleagues have addressed the pension issue. That alone should be the subject of an individual debate. I've heard questions in this House over the last two days. I've heard the Minister of Finance say, "No, this is not going to affect pensions," but my understanding of it is that the Conrad Black clause in this bill, as it has come to be known, is certainly going to affect what might be the pensions of people, if employees were given a fair shot to share some of those surpluses—one more issue that won't get adequately debated.

I wish I had time to get into the subject of P3s, private hospitals—the only justification? You don't show the funding on the books—just one of the tricks that the government is going to use to hide what is in fact not just a short-term fiscal problem that can't be solved with one-time cash fire sales, but long-term fiscal problems which they are going to use the next budget to bury in every way possible, just as they are using the omnibus bill to bury the consequences of the measures they've presented tonight.

Mr Christopherson: I knew the member couldn't sit down without having raised the issue of the pensions. I want to compliment the member for Thunder Bay-Atikokan for all of her remarks, but I want to come back to that pension issue. The government so far, especially one of the government members heckling earlier, was talking about the fact that there's no substance to this, that it's opposition rhetoric. Let me tell you, I have a letter from Mr David Hitchcock who is a professor of philosophy, McMaster University in my riding. He says, in part: "I am concerned that Bill 198 permits surplus withdrawals without regard to any 'pension plan document, statute or rule of law' and leaves approval of surplus withdrawals to the superintendent of pensions."

In fact, the criteria for the superintendent's approval are to be set out in a regulation that your government has yet to make public. Now, in case somebody who's a professor of philosophy isn't quite, you know, where you are in terms of opinions that matter, how about a professor of economics from McMaster University. He says, "Our university pension plan has been the subject of much litigation over pension surpluses and ultimately we able to reach an agreement with the university under the law as it stood prior to Bill 198. This litigation would have continued for years were it not for the legislation which encouraged agreements between employers and employees." That's Mr Andrew Muller, a professor of economics, McMaster University.

Now, let's turn to the bill. The bill makes it clear that what was once the order of the Supreme Court of Canada, which required consideration of all relevant documents and the application of relevant trust law principles—that's what the Supreme Court said. What do you say? You say, in part 25, Payments to Employers, 67.2 (4), "An employer may apply to the Superintendent for payment of an amount described ... and the application must include such information and documents as may be prescribed," by the government."

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Mr R. Gary Stewart (Peterborough): I really wanted to stand up and just make a couple of comments. I listened very carefully to the member from Thunder Bay-Atikokan, and I'm absolutely disgusted with some of the comments that were made when she would have the audacity to suggest that our government is letting people go blind. If you don't think I know a little bit about that subject, my family and my wife have that disease, so don't ever suggest in this House that we are letting people go blind, because you know that treatment can only be done at certain times; it can only be done when one or two of the situations of the disease are at the right time to do it.

The other thing that really interested me was that, well, we're deciding that we're not going to continue with the tax cuts and we're deciding that we're not going to do something else. I want to ask them over there if they've ever decided this year to buy a car and all of a sudden decided, "I don't really have the money. I may have to defer it to next year, or I may have to defer it for six months." I would say either one of you over there would have done that within the last five years. That's what you call good management. That's what you call being in business. You folks spent money like the usual folks that sail the seas, with no thought of making sure you were doing it the right way. Yet you will stand in this House and make the comments that you do. Facts make no suggestion they should be right. Some of the words that you say, I'm disgusted—

The Acting Speaker: Thank you. Questions or comments?

Mr Duncan: This is not about a six-month delay. This is about a government that sold its very soul. You were warned about it. You were warned every step of the way.

Let me address a few other issues, because what you say—and my colleague from Thunder Bay-Atikokan is absolutely right—is this is a short-term fiscal problem and you're going to sell \$1.8 billion in assets, including Hydro One. The Minister of Education said during the leadership that your hydro policy was wrong. The now Minister of the Environment said during the leadership that your tax cuts were wrong and shouldn't go forward. Let's talk about health care accountability because that has been totally lacking.

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): Mr Speaker, on a point of order: My comments on this issue were that I had heard—

The Acting Speaker: That's not a point of order.

Mr Duncan: My colleague is absolutely right.

I listened very carefully, not to anyone on this side of the House, not to a federal cabinet official, but to a former Premier saying that provinces need to be held to account on health care spending, because this government has taken money that should have been properly spent on health care and given it to tax cuts. Now they're delaying that. That's not me. That's Roy Romanow.

I look forward to the day that governments like this will be truly held to account on health care spending. I look forward to a government whose priorities won't be tax cuts for corporations but will be for Visudyne for patients before they lose half their sight as my colleague has cited here. I look forward to a day when parents are not fleeing the public system in record numbers and want to keep their kids in public schools because there are adequate teachers, there are adequate textbooks and they're not starved for funds while we reach out and give yet more handouts to our corporate buddies in a climate where we're already competitive. My colleague from Thunder Bay-Atikokan—I'm proud of her and proud of her record and her service to this Legislature.

Hon Robert W. Runciman (Minister of Public Safety and Security): Mr Speaker, I apologize for coming late into the conversation but hearing the member from Windsor make comments about the distribution of monies from the provincial government that we've received from the federal government, I think we should reference the study done by the Ontario Hospital Association with respect to equalization indicating, I think all of us understand, that there are only two "have" provinces left in this country, Alberta and Ontario.

Ontario is making a significant contribution. If you look at the Ontario Hospital Association study, well over \$200 billion a year comes out of taxpayers in Ontario to support programs in every other province of this country. I think Ontario citizens are great Canadians. We support this country and we support keeping this country as a united country. But we have close to 100 federal Liberal members in Parliament representing Ontario. Ontario is being shortchanged through this confederation by the Liberal government in Ottawa. We are not getting our fair share.

I think if you look at this picture—this is an objective study done by the Ontario Hospital Association—if we

look at what monies are coming back to this province to support health care, to support education, to support all the important programs that Ontarians care about, we are not getting our fair share from Ottawa. If this member really cared about his province, he would be standing up on his two feet this evening, and on other days, other weeks, other months, and calling on his federal colleagues to recognize the real interests, the real concerns of this province and make sure we are treated fairly by the federal government of Canada, the federal Liberal government of Canada.

The Acting Speaker: Response?

Mrs McLeod: I appreciate the contributions of all the members to my comments in this debate. Let me just say there are a few points I'd like to take up. I'm going to resist the temptation to pick up on the age-old battle of what proportion of funding for health care is coming from the federal government versus the provincial government, particularly when I'm doing battle with a government that I think at one point wanted to move strictly to tax points so that they could have complete flexibility to manage their health care budget. Now they simply ignore the tax points because they want to see it in cold, hard cash, which they still won't be accountable for, as we have seen in a number of areas, like the child care transfers and the millennium scholarships transfers, which this government simply swallowed up.

I particularly want to come back to a couple of things the member from Peterborough said—deferring the cost of a car. My goodness, if there's any government that has mastered the deferral of long-term costs to future taxpayers, it is this government. The member from Parry Sound-Muskoka talked with pride about P3s, private-public partnerships, the new jargon. "Private-public partnership" basically means a way of getting the private sector to put the capital funding in so that the government doesn't have to put it in, and they then pay for it over a long period of time, like a mortgage or a car payment.

When it comes to hospitals, the only advantage that anybody has been able to find for P3s is the fact that it is off-book and doesn't look like government debt, because this government is not prepared to openly acknowledge what the costs are of the promises they're making to the people of Ontario, like private MRIs, like private CTs. Where communities have been earning the capital costs for those, now the minister wants to put them in private clinics, where he will pay for the capital costs through long-term operating.

I have lost my time to respond with facts on the issue of Visudyne. This government defends its policy by saying the federal government has guidelines for the use of Visudyne. There are no guidelines from the federal government that justify this government's policy of saying you have to lose 50% of your vision—

The Acting Speaker: Thank you. Further debate? I would remind members now that the time for speeches is 10 minutes.

2120

Mrs Munro: The legislation in the Keeping the Promise for a Strong Economy Act (Budget Measures), 2002, which pertains to consumer protection, is about important and positive changes that will benefit every investor and taxpayer in Ontario. Ontarians have told us that they are concerned about the security of their investments. They are worried about the recent uncertainty in the financial markets of the United States and are wondering if the major accounting scandals that have rocked the economy in that country could happen here.

Our government shares their concerns and we are prepared to act. While we already have a number of tougher investor protection rules than our neighbours in the US, we think we can do more to protect investors here in Ontario. We are committed to protecting consumers and protecting the integrity of Ontario's markets. This is an era in which trust is important, an era in which corporations and governments alike must ensure transparency and accountability regarding their actions. We do need a balanced, made-in-Ontario approach, an approach that protects our consumers and investors and maintains the competitive position of our businesses and markets.

Effective capital markets are important to our businesses in Ontario. Effective markets provide our businesses with capital on competitive terms so that they can grow and create new jobs. Ontario must continue to be competitive. We must ensure we are taking steps so that our province is attractive to business, that we continue to promote growth and prosperity.

Ontario has already taken some important steps. For example, for a long time public companies in Canada have been required to tell their investors about material changes right away. Furthermore, we have been taking steps in recent years to protect Ontario investors, building on our strong record of investor protection balanced with a competitive market. In 1997, the Ontario Securities Commission was reorganized and put on a self-funding basis, allowing it to add needed staff in key areas such as enforcement. In 2000, the Ontario Securities Commission implemented a comprehensive program for reviewing continuous disclosure statements provided by issuers. Its target is to review issuers with Ontario head offices once every four years. In fact, in August of this year the OSC announced additional resources for this program so that by the end of this year, 2002, the OSC will have completed its review of the disclosure of all Ontario-based companies ranked in the top 100 Toronto Stock Exchange companies. Also in 2000, the RCMP and OSC Joint Securities Intelligence Unit was formed to investigate securities fraud. These measures have given us a strong regulator with the tools needed to do the job and the ability to respond to changes in a rapidly moving marketplace.

Still, we are prepared to do more. The Keeping the Promise for a Strong Economy Act contains the reforms we need to protect Ontario investors and maintain a competitive marketplace. Our context is unique. In

Ontario, much of our future prosperity will depend on the growth of small- and medium-sized businesses. We have to ensure that new measures, as they are implemented, are sensitive to the needs of our small- and medium-sized public companies.

I believe we can implement tougher measures to protect consumers and that our measures will be sensitive to the Canadian economy. When the people of Ontario put their hard-earned money into a mutual fund or stock or any other kind of investment, they're doing so to build a better future for themselves and their families. We believe they deserve to know that the government has set and enforced high standards so that they can make informed choices and invest with confidence.

Our government has always believed that taxpayers' dollars should be spent responsibly and with accountability, and we believe that corporations should operate on the same principle. We are being advised that we need tougher penalties in place for securities infractions and that we need to set high standards for public companies in order to protect public confidence while maintaining the competitiveness of our economy. We want to reform the Ontario Securities Act to achieve three objectives: (1) to ensure efficient, effective and fair capital markets; (2) to ensure the public receives timely, accurate information about their investments; and, finally, to ensure that we do not add unnecessary red tape, so that Ontario remains attractive for investment and our businesses remain competitive.

The Keeping the Promise for a Strong Economy Act (Budget Measures), 2002, proposes legislative changes to further protect Ontario investors and consumers. If approved, the measures for investor protection are:

(1) Establish new powers for the OSC to impose fines of up to \$1 million for securities violations and order that the offenders give up the amounts they obtain from those violations;

(2) Increase the maximum court fines and prison terms for securities offences that would be among the toughest penalties in Canada. The maximum court fines for general offences would increase from \$1 million to \$5 million, and maximum prison terms would increase from two years to five years less a day.

(3) Provide greater clarification for offences such as securities fraud and market manipulation, and for making misleading or untrue statements.

We will also be introducing broader rights for investors to sue if companies make misleading or untrue statements or fail to give full and timely information.

I believe these are significant steps forward. By increasing maximum penalties and providing a clearer definition of offences, businesses will have a clearer idea of what is expected of them. The system will be fairer to businesses and it will be more transparent.

There are other proposed measures, as well, to ensure we have strong consumer protection. For example, we are proposing to provide the OSC with new powers to review the information that public companies provide to investors. The OSC will also get new rule-making

powers to hold CEOs and CFOs accountable for the accuracy of their financial statements. We are also proposing reforms to Ontario's public accounting regulation to ensure tough standards that are internationally respected and reflect the high expectations of the business community, investors and our trading partners.

We have already taken a number of actions to reform the way government does business. We've brought in business planning, the public disclosure of salaries, agency reform and new conflict-of-interest rules for public servants and agency appointees. We are also taking steps to improve accountability in the government in protecting taxpayers' dollars, including a six-month review of government agencies and other public sector entities, to strengthen their governance and accountability. The review would also improve disclosure and reporting obligations. It would, for example, increase the quality and frequency of reporting or give the power to inspect the books. It would include enforcement with teeth to ensure compliance.

This is an ongoing process. We will continue to review these proposals with the experts to ensure that the reforms are effective. We will ensure the reforms work for Ontario. Obviously, there will be a need for ongoing consultations. These reforms will have a significant impact. We have to be certain they are implemented properly. For example, the new rule-making powers proposed for the OSC respond to laws in the US that already apply to Canadian companies listed on American exchanges. It makes sense that there be similar requirements for these companies in Canada. At the same time, we have to be sensitive to the issues faced by companies that aren't currently subject to these rules. This is one example of the need for further consultation.

There is also a need to consult on other matters. For example, we must continue to discuss some of the other proposals in the interim report of the committee conducting the five-year review of Ontario's securities laws. Some of those recommendations are far-reaching. We must take a serious look at these issues and determine if they are the best solution for Canadian markets. The government will do that, and we will respond quickly to the five-year review committee's final report. We will continue to be open to considering other investor protection measures. We will also continue to discuss the idea of moving towards national securities regulation.

Certainly, there are concerns with the current system, but the important point here is that this represents a commitment by the government to monitor to ensure that there is security around the investment and investors operating in this country and in this province. So we will continue to ensure that regulation meets the needs of both the investor and the companies making their investments here.

The Acting Speaker: It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2130.

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		York West / -Ouest	Sergio, Mario (L)

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Official Report of Debates (Hansard)

Journal des débats (Hansard)

Wednesday 20 November 2002

Mercredi 20 novembre 2002



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 20 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 20 novembre 2002

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

NATURAL GAS RATES

Mr Rick Bartolucci (Sudbury): The Harris-Eves government must decide whether or not they are going to allow Union Gas to charge the one-million-plus customers the retroactive fee that they hope to be able to charge. This uncertainty is having a definite impact on seniors' ability to plan for the future. They don't know whether or not they are going to have a retroactive charge in January or February or March.

It's also having a very negative impact on small business in Ontario. In Sudbury alone, I've received copies of letters that Union Gas is sending out, stating that the one-time rate adjustment is going to vary. For example, in this business it's going to be \$14,349. For that business, it's going to be \$25,918. For another business, it's going to be \$40,507.

The government has to act. There is an appeal before cabinet. Ernie Eves and the wishy-washy Tory government must make a decision. The decision is simple. Union Gas cannot be allowed to do what they want to do. For once in Ontario, stand up for the seniors of this province. For once in your history, stand up for small business. For once, I ask Ernie Eves, the wishy-washy Premier of this province, to take a stand.

KEN WHITE

Mrs Margaret Marland (Mississauga South): I am delighted to inform the members of this House that Ken White, the president and chief executive officer of the Trillium Health Centre, has won the hospital management category of Canada's Who's Who in Healthcare Awards. This award category recognizes an individual whose management performance has made an extraordinary contribution to the overall success of a hospital. The criteria are innovation, leadership, impact and overall contribution to the delivery of health care in Canada.

The fact that Trillium's board of directors and senior management team nominated Ken White for this recognition speaks volumes about the high regard in which Ken is held by both his staff and the community that Trillium serves.

I was honoured to be invited to submit an endorsement of Ken's nomination, and I was proud to do so. I have experienced first hand the skill with which he has piloted our community hospital through a major evolution. Since Ken's tenure at Trillium began in 1996, Trillium has undergone an amalgamation of two hospitals and opened several new services, including three major regional programs for stroke, advanced cardiac services and neuro/musculoskeletal. Trillium has also been named one of Canada's top 100 employers, a reflection of Ken's dedication to innovative employment practices.

I know the residents of Mississauga and Etobicoke join me in congratulating Ken White on this much-deserved award and in thanking him for his exemplary leadership of our community hospital.

HOME CARE AND EDUCATION FUNDING

Mrs Marie Bountrogianni (Hamilton Mountain): I have here 3,000 cards signed by seniors from across the Hamilton region protesting the cuts to long-term care and to home care. Let me read from one of the cards.

"Dear Minister:

"I am extremely distressed by the recent drastic cuts, especially in homemaking services, by the community care access centres, to seniors and people with disabilities living in their own homes. Most people want to stay at home, but now are unable to access required help. I dread the thought that I, or people I care about, may be forced to give up independence and move into a long-term-care facility. Homemaking is imperative for persons attempting to remain independent in their own homes because it provides them with a safe and clean environment. I urge you to reinstate adequate funding to provide the essential services as described in the Long-Term Care Act."

I have under 1,000 cards here signed by parents across the region protesting the cuts to education. I understand that adequate funding for our children's education is the responsibility of the government of the province of Ontario. I don't believe that the current funding benchmarks are reflective of current costs. I want the education funding gap addressed immediately.

What is the connection between the cards and the cost to education, and the cards and the cost to home care? It's Jim Murray, the same Tory-appointed supervisor who is cutting education in Hamilton, the same one who set the criteria, who cut the criteria, and fewer of our seniors are getting good quality home care in Hamilton.

Shame on you. The Tory-appointed axeman should be ashamed of himself.

we recognize that our children are our most precious resource and our hope for the future.

NATIONAL CHILD DAY

Mr Toby Barrett (Haldimand-Norfolk-Brant): Today marks National Child Day across Canada. It's my hope that on this day and throughout the year we all strive to make our corner of the world reflect one of this year's National Child Day themes, A World Fit for Children, a world where all children get the best possible start in life and where adolescents are given opportunities to develop their capacities in a safe and supportive environment.

In my home riding of Haldimand-Norfolk-Brant we are lucky to have a grade 2 teacher who works tirelessly 365 days a year to make a better life for children, not just here in Ontario but around the world. For 15 years now, Emily Stowe, of Port Dover's Doverwood Public School, has dedicated herself to organizing her school's UNICEF campaign. When it comes to fundraising for children, Mrs Stowe thinks outside the orange UNICEF box. Emily Stowe has raised money through face-painting initiatives and hat day. This year funds were also raised through a haunted house display. If you ask her, Mrs Stowe will tell you that she doesn't do it all by herself; she receives help from many in organizing the annual UNICEF campaign.

However, this year Emily Stowe has been singled out as the Ontario UNICEF educator of the year. On this National Child Day I'd like to take the opportunity to thank Emily Stowe for her dedication to children of the world and congratulate her on her recognition by UNICEF.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Today is National Child Day. The day of the child is an opportunity to focus on the achievements and the great promise that our children represent in our society. We must take every opportunity to celebrate the potential, strength of purpose and hope that our children and our youth represent. A wonderful example occurred just this summer in this very city with World Youth Day. We were able to witness the positive impression hundreds of thousands of youth left in the minds and hearts of people from around the country and indeed around the world. They left us with a tremendous feeling of hope for our future and our world.

However, in Ontario there is still much that must be done for our children. Over 40% of those who use food banks are children. The fastest-growing demographic among the homeless is families with children. Children in Ontario with special education needs and mental health needs are not receiving the support and services they need and deserve. Dalton McGuinty has made a commitment to children in his Excellence for All plan. It is a plan that has been endorsed by child advocates such as Charlie Coffey and the Honourable Margaret McCain. Ontario Liberals are prepared to invest in programs and services that support families and our children because

REMEMBRANCE DAY

Mr John O'Toole (Durham): During constituency week it was my privilege to attend Remembrance Day ceremonies and events across my riding, which I enjoyed. I would like to commend the Royal Canadian Legion branch that does so much outstanding work to honour the memory of those who have served and those who gave their lives for the freedom we enjoy today. I'd like to extend my thanks to Jim Connell, president of branch 178, Royal Canadian Legion, Bowmanville, as well as Roy Thompson, president of branch 419, Port Perry. Thanks also to Doreen Park, who gave a Remembrance Day reading at the Bowmanville cenotaph this year, and each year, I might add. She is retiring, I believe.

These are just a few of the men and women who led in the Remembrance Day observances in my riding.

1340

I'd also like to briefly mention the remembrance cross program supported by branch 178 of the Royal Canadian Legion in Bowmanville. Small white crosses with a red poppy are placed on each grave of nearly 900 veterans at 10 cemeteries in Clarington. They mark the resting places of those who served in the War of 1812, the Boer War, World War I, World War II, and the Korean War, as well as peacemakers and members of the armed forces of Canada who have honoured us by their service.

This program was begun in 1992 by Norm Baker and Harvey Jones, both veterans of World War II. The present chairman of the program, Cecile Bowers, has 19 volunteers, including John Greenfield, veterans' service officer for branch 178. These tributes are placed at the end of October and removed after Remembrance Day. The inscription on the crosses sums up the attitude of all citizens of Durham riding, and that is that we serve and "We remember."

SITE OF EARLY PARLIAMENT

Mr Steve Peters (Elgin-Middlesex-London): I rise today to bring to the attention of this Legislature an issue of extreme importance and concern to every one of us gathered here at Queen's Park, and all citizens of this province. That's the preservation of the site of Ontario's first Parliament Buildings.

Located near the southwest corner of Front and Parliament streets in downtown Toronto, an archaeological dig last year discovered the brick foundations and artifacts from the buildings that date back to 1798. The remains of these buildings are what is left of the original Parliament of Upper Canada. Amid the rubble are charred floorboards that remain from the torching during the American invasion of the War of 1812. These buildings were significant enough of a symbol of our emerging govern-

ment that the Americans went out of their way to burn them down in 1813.

This discovery is a once-in-a-lifetime opportunity. These remains of the birth of Ontario's democracy are in danger of being lost forever. A new Porsche dealership has applied for a building permit to pave over this historic site. The Ontario Municipal Board deadline of December 1 to arrange the purchase of the lot by the city or the province is fast approaching.

There has been support shown by the owners of the site and within the Ministry of Culture and the Ontario Realty Corp to have this site return to public ownership where it belongs, but there has been no action despite the looming deadline.

I am calling on this government, and in particular the Minister of Culture, to act immediately to preserve a jewel of Ontario's heritage and a jewel of the democratic foundations of this province.

HAZARDOUS WASTE

Mr Gilles Bisson (Timmins-James Bay): Yet again, northerners have descended on Queen's Park because they're feeling left out by this Tory government.

We all know that what's happened over the last couple of years is that a company by the name of Bennett Inc has been trying to build yet another one of these garbage plants up in northern Ontario. Imagine, they want to bring all of the toxic waste into the Timiskaming area and they want to be able to do what they want: pollute the area and run away with all of the profits.

Northerners are here today to say, "No, we're not going to accept that northern Ontario becomes the toxic waste dump of all the rest of Ontario and the rest of Canada."

What's interesting is that even the Ministry of the Environment, when they looked at the environmental assessment process that was undergone, and it was a scoped EA, had to agree that the proposal by Bennett was severely flawed. Bennett removed themselves from the process. But they're back again.

David Pond and Bennett Inc are saying, "We're back. We're going to come back with another application," and northerners again on their own, the people of Timiskaming, are going to have to get up, do everything they did once before, twice before, and fight this whole process yet again.

They're here to ask the Minister of the Environment, who is here in the chamber today, one simple thing: "Minister of the Environment"—that's you, yes, you standing over there. Hey, Chris, look over here. The people over here from northern Ontario want to know, are you prepared to restore full benefits when it comes to intervenor funding in order to assist northerners when it comes to the fight that they're going to have to undergo with Bennett? Will you restore full intervenor funding?

The Speaker (Hon Gary Carr): Just before we begin, for our visitors in the gallery, unfortunately clapping isn't allowed. I would appreciate if you would honour that tradition.

Interjection.

The Speaker: Yes, I know, the member likes that, but unfortunately clapping isn't allowed. I appreciate your help with that.

CHILDREN'S TREATMENT CENTRE

Mr AL McDonald (Nipissing): Today I'd like to talk about the groundbreaking announcement that Minister Clement made Monday regarding the creation of a children's treatment centre in Nipissing. Located in North Bay, the children's treatment centre will serve children in Nipissing, Parry Sound and Muskoka. The children's treatment centre will enhance the recruitment, retention and ongoing professional development of a wide variety of pediatrics-trained health professionals to encourage doctors and health workers to live and work in the north. It will also create the required setting for parent support and education activities.

I'd like to thank a very special person, Mr Ian Kilgour, who was the task force chair and led this initiative from the very beginning. I'd also like to thank the members of the Northern Shores Children's Treatment Centre Task Force for all their hard work and dedication to children's services, as well as the Rotary Club of Nipissing and the Rotary Club of North Bay for their outstanding fund-raising events.

Children and youth with special needs and their families will greatly benefit from this new facility. It's something that Nipissing and North Bay have been wishing for, for many years.

I want to personally thank Minister Clement for announcing the 20th children's treatment centre in the province of Ontario in my riding of Nipissing.

If you ask the average northern Ontarian what they believe is the top priority in their lives and what they believe the government should be pushing for, health care is one of them. I can honestly say that the people of northern Ontario will reap the benefits of having such a facility. I want to thank everyone who took part in making this dream a reality.

LÉGION D'HONNEUR

LEGION OF HONOUR

M^{me} Claudette Boyer (Ottawa-Vanier): J'ai l'honneur et l'immense plaisir d'annoncer à cette assemblée que trois grands personnages franco-ontariens ont reçu dernièrement, des mains de l'ambassadeur de la France au Canada, des décorations de la Légion d'honneur.

Indeed one of our former colleagues, the past member of Glengarry-Prescott-Russell, Mr Jean Poirier, was promoted to the rank of officier de l'ordre national du mérite, while M^{me} Gisèle Lalonde was awarded the rank of chevalier of the French Legion of Honour, and Senator Jean-Robert Gauthier the grade of officer.

Ces prix sont remis en reconnaissance de leur grand dévouement pour la cause franco-ontarienne.

Jean Poirier served in this House as a Liberal member from 1984 to 1995, winning four consecutive elections for his riding, and he was also Deputy Speaker from 1987 until 1990. Senator Gauthier, a tireless defender of francophone Ontarians' rights, was a sitting Liberal member of the federal government prior to his appointment to the Senate. Of course, you may have recognized the name of the lady who led the battle for the preservation of Montfort Hospital, M^{me} Gisèle Lalonde.

J'invite tous mes collègues à applaudir avec moi ces trois personnalités de la communauté franco-ontarienne.

VISITORS

Mr Dave Levac (Brant): On a point of order, Speaker: In the public gallery today are two constituents who have joined us here at Queen's Park to bring the cause of long-term-care issues and to learn about the democratic process in this House, Mandy Conlon and her mother, Judith, who have brought these issues and want the Minister of Health to understand that there are issues today. I'd like to welcome them here.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon Gary Carr): I beg to inform the House that today the Clerk received the 10th report of the standing committee on government agencies. Pursuant to standing order 106(e), the report is deemed to be adopted by the House.

STANDING COMMITTEE ON JUSTICE AND SOCIAL POLICY

Mr Toby Barrett (Haldimand-Norfolk-Brant): I beg leave to present a report from the standing committee on justice and social policy and move its adoption.

Clerk at the Table (Mr Todd Decker): Your committee begs to report the following bill as amended:

Bill 181, An Act to amend the Legal Aid Services Act, 1998 / Projet de loi 181, Loi modifiant la Loi de 1998 sur les services d'aide juridique.

The Speaker (Hon Gary Carr): Shall the report be received and adopted?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1350 to 1355.

The Speaker: All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Hardeman, Ernie	Newman, Dan
Baird, John R.	Hastings, John	O'Toole, John
Barrett, Toby	Hudak, Tim	Ouellette, Jerry J.
Beaubien, Marcel	Jackson, Cameron	Runciman, Robert W.
Clark, Brad	Johns, Helen	Sampson, Rob
Clement, Tony	Johnson, Bert	Spina, Joseph
Coburn, Brian	Klees, Frank	Sterling, Norman W.
Cunningham, Dianne	Marland, Margaret	Stewart, R. Gary
DeFaria, Carl	Martiniuk, Gerry	Stockwell, Chris
Dunlop, Garfield	Mazzilli, Frank	Tsubouchi, David H.
Ecker, Janet	McDonald, AL	Tumbull, David
Elliott, Brenda	Miller, Norm	Wilson, Jim
Eves, Ernie	Molinari, Tina R.	Witmer, Elizabeth
Galt, Doug	Munro, Julia	Young, David
Gilchrist, Steve	Murdoch, Bill	
Gill, Raminder	Mushinski, Marilyn	

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Curling, Alvin	Marchese, Rosario
Bartolucci, Rick	Di Cocco, Caroline	McLeod, Lyn
Bisson, Gilles	Dombrowsky, Leona	Parsons, Ernie
Bountrogianni, Marie	Gerretsen, John	Peters, Steve
Boyer, Claudette	Gravelle, Michael	Phillips, Gerry
Bryant, Michael	Hampton, Howard	Prue, Michael
Caplan, David	Hoy, Pat	Ramsay, David
Colle, Mike	Kormos, Peter	Sergio, Mario
Conway, Sean G.	Kwinter, Monte	Smitherman, George
Cordiano, Joseph	Levac, David	Sorbara, Greg

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 46; the nays are 30.

The Speaker: I declare the motion carried.

Pursuant to the order of the House dated Monday, October 21, 2002, the bill is ordered for third reading.

INTRODUCTION OF BILLS

FUNERAL, BURIAL AND CREMATION SERVICES ACT, 2002

LOI DE 2002 SUR LES SERVICES FUNÉRAIRES ET LES SERVICES D'ENTERREMENT ET DE CRÉMATION

Mr Hudak moved first reading of the following bill:

Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes / Projet de loi 209, Loi traitant des funérailles, des enterrements, des crémations et des services connexes et prévoyant la modification d'autres lois.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The minister for a short statement?

Hon Tim Hudak (Minister of Consumer and Business Services): I'll defer to ministers' statements.

STATEMENTS BY THE MINISTRY AND RESPONSES

BEREAVEMENT SERVICES

Hon Tim Hudak (Minister of Consumer and Business Services): I am pleased to introduce proposed legislation regarding the bereavement services sector in the House today. The proposed Funeral, Burial and Cremation Services Act, 2002, is part of the most comprehensive review of consumer protection legislation ever undertaken in Ontario. It is part of the Ernie Eves government's consumer protection for the 21st century package, which includes Bill 180, currently before the House. Bill 180, if passed by the Legislature, would consolidate six core pieces of consumer protection and three sector statutes. It is part of our government's plan to provide strong, efficient consumer protection and a level playing field for business.

This bill I am introducing today would strengthen consumer protection in the bereavement services sector. Bereavement is a topic that many of us are not always comfortable talking about. However, all of us can appreciate how important it is to ensure high standards of services and ethics in this area, given the value of the expenditure and the vulnerability of a person whose loved one has just passed away.

The death of a loved one means that those left behind must make decisions quickly during an emotional time. Often, family members have little or no experience in purchasing bereavement services.

1400
High standards for those who deliver bereavement services, including private businesses, charitable and religious organizations and municipalities, would not only benefit consumers but also provide a level playing field for the sector.

I would like to thank the many people who have been instrumental in developing this proposed legislation. Key among them is my predecessor as the Minister of Consumer and Business Services, Norm Sterling. Former ministers Runciman and Tsubouchi also did a great deal of work in this process. Also, members of the Red Tape Commission have offered the benefit of their counsel as the government worked toward this proposed legislation. I would also like to especially thank Gary Stewart, Steve Gilchrist, Joe Spina, John O'Toole and Marcel Beaubien for their assistance in this process.

For more than a year now, representatives from various bereavement services providers and consumer groups have met frequently to provide advice on reform. The group, which included members representing organizations as diverse as monument retailers and religious organizations, formed the Bereavement Sector Advisory Committee, known as the BSAC committee.

I want to thank each member of that committee for their hard work and dedication. Several of them are in the gallery here today with us. To mention a few names, of

course the Honourable George Adams, who led the process, Gary Carmichael, Mike Fitzgerald and Lynne Atkinson, Joe Richer and Scott Doney, John O'Brien, Eileen Fitzpatrick, Bob Youngs, Helen Anderson, Peter Niro, Pearl Davie, Zena Doogay and Norris Zooket, have joined us here today. I thank them for all their efforts on this legislation.

Superior Court Justice the Honourable George Adams QC, whom I introduced, deserves a special thanks for his leadership and guidance in helping to facilitate the advisory committee discussions. Thank you, Justice Adams, for your work.

The current legislation governing the bereavement sector was written close to a century ago, a time when people still drove horses and buggies, the Wright brothers were making their first flight, and the world wars had not yet been waged. Lifestyles and social attitudes have changed considerably since then.

As Pearl Davie, the chair of the legislation committee of the Federation of Ontario Memorial Societies/Funeral Consumer Alliance, has said, "Our modern multicultural society, as well as changes in societal attitudes, require that bereavement sector legislation ensures access to alternatives and increased consumer protection."

There are many factors that have changed the bereavement services sector in the last century. A hundred years ago, the vast majority of Ontarians were Christian. Today, we see the growth of other religions and funeral practices and greater ethnic diversity. The legislation must be flexible to respond to Ontario's evolving and diverse culture. At the same time, in modernizing the bereavement services sector, we must respect religious sensitivities and traditions and ensure they are maintained.

As minister, I want to strive to facilitate that by continuing to consult with the religious community and respond to their concerns as proposed reforms go forward. The proposed Funeral, Burial and Cremation Services Act, 2002, would combine two statutes, the Cemeteries Act (Revised) and the Funeral Directors and Establishments Act, into one modern regulatory framework. It would permit combinations, meaning that a funeral home can own and operate a cemetery, crematorium or scattering grounds and vice versa. This would bring Ontario into line with eight other provinces and 40 US states while providing greater choice for consumers who want to make all the arrangements in one place.

By permitting new business models, it would also allow businesses to grow and to create jobs. It would allow access to alternative or no-frills services, which many consumers are looking for today. To help provide some peace of mind to families at this vulnerable time, this bill would require service providers to offer clear information, including price lists. It would also require salespeople and operators to follow a strict code of ethics.

Our government understands that bereavement purchases are a major purchase at a very sensitive time. That is why this bill provides for industry-funded

compensation funds, so that consumers would be compensated if a licensee fails to provide the goods or service purchased. Currently, only funeral directors have a similar compensation fund. It would also protect those who choose to prearrange and prepay for their funerals and other bereavement services by providing expanded trust requirements to keep their money safe. Consumers would also have a 30-day cooling-off period to reconsider their purchases. Those who have purchased a burial plot or interment rights would be able to resell them at a fair price. Under the current legislation, consumers must sell at the original acquisition price even if they purchased their plot 20 years ago.

This government is proud to introduce the proposed Funeral, Burial and Cremation Services Act, 2002. This bill would provide stronger protections for consumers in the vulnerable time when they are purchasing funeral, burial or cremation services. I am confident that with the input of consumer groups, religious institutions and a variety of organizations in the bereavement services sector, we have developed a bill that will meet the needs of both consumers and businesses alike in the years ahead.

The Speaker (Hon Gary Carr): Responses?

Mr Mario Sergio (York West): I'd like to respond to the Minister of Consumer and Business Services with respect to the announcement of today. It is a very small, good step, but it doesn't go far enough with respect to offering the protection our consumers deserve.

I have to say that two years ago I introduced a bill in this House, Bill 54, which dealt with the major components that consumers in the community face, a much more complete, much more concise, much fuller bill which indeed would have given the consumers of Ontario the protection they seek from the government when it comes to that particular time. Some 80,000 people die on a yearly basis. It is a serious concern for the family members when it comes to dealing with the situation at that particular time.

Unfortunately, Minister, what you have introduced today does not address the major component, when you have to choose a funeral home or a service centre. A service centre can have a funeral home, according to your laws of today, but not according to laws, but they are doing it today. The legislation you have introduced today does not offer that protection to the consumers in Ontario—it does not.

Minister, as you say about your bill today that you're willing to combine the two bills to offer more protection to the consumers of Ontario, I say dig out Bill 54, read it very well and include it in this legislation so that indeed the consumers of Ontario can have that peace of mind at the time they most need it. It's fine to license the headstone retailers and casket operators, but it does not deal with the real problem, that at a time when people really don't need anything else—it's not addressed here.

I'm telling you today, Minister, to take a look at your legislation. Indeed you are allowing cemeteries today to have funeral homes. Your piece of legislation here does

not address the problem that you are associating with this piece of legislation by allowing that on cemetery property versus the private supplier/provider.

I believe that consumers today have a very serious problem when it comes to choices. You're saying in your legislation that you are allowing for more choices. Well, let me ask the minister, what choices are you offering the consumers when it comes to more protection? This piece of legislation only gives the consumers a choice of which casket or which headstone. With all due respect, you have to go deeper than that and say, "I'm offering more protection. I'm changing the act, which has not been changed in the last 90 to 100 years."

When it comes to reality, the protection is not here. We cannot support the bill as it is because it does not give any protection to the consumers. You're giving a 30-day cooling-off period. When someone has died and the family members have to make a choice at that particular time, they haven't got 30 days. Your 30 days is for those who want to make arrangements from now till God knows when, when they are called, and they can change their mind if they want a more expensive casket or headstone. That's fine and dandy.

I want you to say today to the consumers in Ontario, "I will indeed be looking at the funeral laws the way they are being conducted today," and offer them peace of mind. There is no protection with respect to the legislation that you have introduced today.

Minister, if you really want to strengthen and provide service and protection to the consumers of Ontario and to those 80,000 family members, then I would say to you, include Bill 54 in this legislation. Send it out for debate. Listen to both the consumers and the industry. Then hopefully you will come back to this House with a bill that is worth supporting by the consumers out there and by this House.

1410

Mr Peter Kormos (Niagara Centre): New Democrats appreciate the advance notice we received of this announcement and of this bill being introduced. I appreciate the timely delivery of a copy of the bill. I've given it but cursory examination. The bill in many respects appears to be a consolidation of but existing legislation. This isn't atypical from this particular minister, because the House has been dealing with his so-called Consumer Protection Act, which is but a re-statement, in so many respects, of the existing law.

I want to tell you that members of this New Democratic Party caucus, be they from the north or Toronto or Hamilton or Niagara, have very good reports to give to this House about the conduct of funeral home operators in their communities. I speak very specifically about the types of funeral homes and funeral directors that tend to prevail especially in smaller-town Ontario, like the communities I come from, which are family-owned and family-operated funeral homes.

New Democrats ask other members of this Legislature to do as we intend to do, and that is to ensure that those small family-operated and -owned funeral homes have an

opportunity to examine this legislation, and to ensure that those same operators have access to a public hearing process, which necessarily should follow second reading debate on this bill.

First, it's acknowledged, it's been stated and it will be restated during the course of discussion around this that a funeral expenditure is one of the largest single expenditures any family faces. Second, the cost of funerals, according to the anecdotal evidence we're receiving, is increasing. Perhaps that's the nature of the beast.

One of the concerns we have is that legislation like this ensure that families of a deceased family member or friend have access to the most economically possible funeral arrangements that can legally be provided. We think it's imperative that that option has to be given to griever at the time of making funeral arrangements. Quite frankly, we've witnessed far too many funeral scenarios wherein the costs accepted by the people, arranging the funeral at a point of incredible grief and intense emotion, have become almost crippling, if not indeed crippling, to those families after the emotions have soothed a little and there is the realization of what's happened to them as they've gone about making arrangements.

Of particular concern of course is the combination proposal, funeral home operators also owning funeral plots. I call upon members in this assembly to very carefully scrutinize it with the assistance of their owner-operated funeral homes, like I have down in Niagara Centre and like every other member of this caucus and most members of this Legislature have. I know it's been a matter of concern in the past. I suspect it will warrant some consideration now.

I regret to note there's very little in this bill addressing the heritage nature of burial sites in this bill, in and of itself. You know, Speaker, that there are a number of areas across the province where that issue is very much causing great concern with ethnic communities, among others, as to ownership and control of historical and heritage burial sites.

The act does make reference to aboriginal burial grounds. I noted with interest that one of the people consulted was Marcel Beaubien. We all know that Mr Beaubien has some very specific experience with respect to aboriginal burial grounds. I'm not sure of the extent to which he influenced the consideration in the bill of aboriginal burial grounds, but we know he's had a great deal of experience, most of it as of yet undisclosed, as we await discovery on the lawsuits that are very much in action and that this government clearly doesn't want to resolve with a public inquiry into the killing of Dudley George, now far too long ago but still in fresh in the memory of every member of this province.

Concern about the fact that the Red Tape Commission made submissions or had some impact on the bill causes us to be cautious about the legislation. It warrants consideration; it warrants thorough debate. Quite frankly, it warrants committee hearings. I don't know what promises the minister made to participants in the advisory process, but the minister had better be prepared to get this

bill called for second reading debate. He's scheduling it for committee. New Democrats are going to insist on it.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): On a point of order, Speaker: To recognize National Child Day, Voices for Children sent every member of the Legislature a button which reads, "Listen to a child today." I would seek unanimous consent that we would be allowed to wear these buttons today in the legislature.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

VISITORS

Mr Dominic Agostino (Hamilton East): On a point of order, Mr Speaker: It is my pleasure to introduce today a delegation from my riding of Hamilton East, behind us, and along with the delegation my mother, of course, which means that one day of the year I'm actually going to behave in here. Thank you.

The Speaker (Hon Gary Carr): We certainly welcome Mrs Agostino and her group again this year. Welcome.

Mr Howard Hampton (Kenora-Rainy River): On a point of order, Speaker: I ask for unanimous consent for third and fourth reading of Bill 204, the No Freezing in the Dark Act, since people continue to have their hydro shut off.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I've never heard of a fourth reading.

The Speaker: We stand corrected. The member is asking for second and third reading of Bill 204. Is there unanimous consent? I'm afraid I hear some noes.

ORAL QUESTIONS

COMPETITIVE ELECTRICITY MARKET

Mr Michael Bryant (St Paul's): The question is to the Premier. Premier, did you consult with Chairman Bill Farlinger of OPG prior to the electricity marketplace opening on May 1?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): No, I did not.

Mr Bryant: I find it unbelievable, or unbelievably reckless, that the Premier of Ontario did not contact the chairman of Ontario Power Generation before opening up the marketplace. One of the most momentous decisions that you made as the Premier of Ontario, after becoming the Premier, one of the biggest decisions that you had to make was with respect to the opening of this marketplace. It had enormous consequences. The question is this: what assurances did you receive from Ontario Power Generation that justified your opening the marketplace on May 1?

Hon Mr Eves: The honourable member goes on and on about Ontario Hydro. I see his leader is here to talk

about energy and his energy policy. I haven't checked the Web site today to see if they have one today. We do have ministers of the crown who are responsible to run their ministries. It's not appropriate for the Premier of the province to check every single decision that is made in every single ministry or by every single government agency.

Mr Bryant: This wasn't just any decision made by the Premier of Ontario. This was whether or not to open up the electricity marketplace. Your predecessor, Mike Harris, picked up the phone and called the Chair of Ontario Power Generation before announcing that the market would open on May 1. But you're telling us that you're just a little too busy and too taxed to do the homework and find out whether or not in fact the electricity marketplace was ready before you opened it? Either you didn't do your homework or you were reckless beyond belief in opening up the marketplace on May 1. Which is it?

1420

Premier, I'll tell you something. If you think the people of Ontario think it's OK that the Premier of Ontario was too busy to do his homework and find out, before the electricity marketplace was opened, that it was ready, I think you are going to receive a rude awakening at the ballot box. I would say to you, sir, what homework did you do before the marketplace opened on May 1 that justified your opening up—

The Speaker (Hon Gary Carr): The member's time is up. Premier?

Hon Mr Eves: To the honourable member for St Paul's, that was a great three-minute speech and 10-second question.

With respect to his point about OPG and the opening of the marketplace, first of all, as we have explained in this Legislature many times, there were several factors that contributed to high fluctuations in prices per kilowatt hour, being the hottest summer—

Interjections.

Hon Mr Eves: I didn't check with Bill Farlinger to see if it was going to be the hottest summer on record since 1955. I didn't check with Bill Farlinger to see if the experts at OPG, with respect to the nuclear facility at Pickering—to see if it was going to be delayed after the market opened, for yet a seventh time. I didn't check with Bill Farlinger to see whether or not one of the units at Bruce, during routine maintenance, might be accidentally damaged and therefore be down for two or three months.

But you are so wise, I say to the honourable member for St Paul's, you're taking so many acting lessons and you're so good on TV that I think you should tell us today what the weather's going to be like next July, August and September. You should tell us whether or not there's going to be any damage done to any unit during any maintenance next year, and you should tell us, because you're obviously smarter than any nuclear physicist out there—

The Speaker: The Premier's time is up. New question.

EDUCATION FUNDING

Mr Joseph Cordiano (York South-Weston): I have a question of the Premier. Yesterday the people of Toronto learned that you are no different from Mike Harris when it comes to cutting services out of public education. On top of the \$2 billion you cut while you were Minister of Finance, your appointed supervisor wants to cut even more from the city of Toronto. The York Adult Day School in my riding and the Maplewood school in Scarborough are slated to close this year. Some 3,000 adult students will see their programs cut. The remaining adult education centres have waiting lists. They can't take on any more students.

Premier, you more than anyone should know that we are in a knowledge-based economy. At a time when we should be encouraging more people to acquire the skills they need, you are turning your back on these people. Is this the way you show your commitment, or your supposed commitment, to public education—by shutting these students out?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): To the honourable member, with respect to the Toronto District School Board, first of all, many Liberal members have stood up in this Legislature and predicted many things when a supervisor was appointed to go in—and in fact, when you go back to when an inspector was appointed to go in—and look at the Toronto District School Board. You said that special education would be cut; it has not been. You said that the number of teachers would be reduced; it has not been. You said that the pools would be closed; they have not been. On almost every single point that you and your Liberal colleagues made, you were wrong.

In fact, the supervisor has now managed to increase funding to the classroom, which is where it belongs, and in case you're interested, they put more money into textbooks, more money into computers, more money into the classroom, more money into hall monitors, more money into school safety.

For your information, the education system is about the education of the child, not about how many staff that are doing nothing we can have in an administrative building belonging to a union.

The Speaker (Hon Gary Carr): Supplementary?

Mr Monte Kwinter (York Centre): Mr Premier, in the age of information technology we learned yesterday that you are prepared to sit idly by while \$10 million is slashed from the Toronto school board's computer budget. Students that could have had access to the latest technology will instead have outdated, old computers or, worse, nothing at all. You're going from one out of six to one out of 10. Premier, it is frankly unbelievable that you're prepared to take this money out of the children's classroom.

It is unfathomable that in this knowledge-based economy you refuse to recognize that our children need and deserve to have access to the very latest technology available. Premier, would you tell Toronto parents and

students how cutting the budget for computers and technology is going to help them?

Hon Mr Eves: First of all, we are increasing the suggested budget by the supervisor, increasing spending on computers in the classroom. The previous question suggested that education spending has been reduced; it has not been reduced.

Interjection.

Hon Mr Eves: It has not. It started out at \$12.9 billion and it's now at \$14.36 billion. That's an increase, in case you're interested, of \$1.5 billion. Dr Rozanski is reviewing the funding formula on top of that, and we increased funding during the fiscal year by \$557 million.

I know Liberals have problems with numbers. Their problems with numbers translated into a \$10-billion increase in our provincial debt while they were there, and on top of that they increased the debt of Ontario Hydro by \$8 billion. They claim they balanced the books when they really had a \$700-million deficit. So I'm not about to take any advice from you about numbers. Only a Liberal could think 12.9 was larger than 14.4.

The Speaker: Final supplementary.

Mr Mike Colle (Eglinton-Lawrence): Mr Premier, for eight years I've seen you stand up in the House. I've seen John Snobelen, I've seen all your Ministers of Education and yourself stand up and say you cared about education. Well, here's what you've done. For the last eight years you have caused havoc in our public schools. You have closed schools, you have cut programs, you have created chaos in our public schools, and now you stand up and gloat about it. You're proud of it.

Yesterday you cut \$90 million out of our schools. That means there are 100 fewer secretaries in our schools. They're the gatekeepers in our schools. There's 65 fewer vice-principals. They take care of discipline in our schools. They're not going to be there any more. I've got schools in my riding where the roofs aren't going to be fixed. I have toilets that aren't going to be fixed. I have schools falling apart, and you have the guts to stand up there and say you are proud of this cut—

The Chair: I'm afraid the member's time is up.

Hon Mr Eves: First of all, money spent in the classroom is actually increased under the supervisor's recommendation. He talks about the commitment to education of this government. This government has increased education spending by \$1.5 billion and we are reviewing the funding formula, as we promised to do, at the same time.

We are the first government in the history of the province of Ontario that has made sure that special education funding actually goes to special education.

We have built more schools than David Peterson's government did or than Bob Rae's government did during a five-year period of time.

1430

We will continue to improve public education in the province of Ontario, but I can assure you of one thing: we won't say one thing in Timmins and another thing in Toronto, like your leader does, about public education.

Interjections.

The Speaker: Order. This is the last warning for the member for Eglinton-Lawrence. If he continues shouting across, we'll just throw him out for the day.

It is now time for the leader of the third party's question.

ELECTRICITY SUPPLY AND DEMAND

Mr Howard Hampton (Kenora-Rainy River): Premier, this is a new report released by the North American Electric Reliability Council. They do studies across North America to tell us if there will be enough hydro this winter and they're warning that the situation in Ontario this winter "could spell trouble." They say that with just normal winter temperatures, Ontario's average electricity capacity margin is only 10%. It's over 18% in Quebec and over 20% in California.

Premier, you try to hide the skyrocketing cost of privatized, deregulated hydroelectricity from hydro consumers with your pre-election rebate scheme. How are you going to hide the brownouts and the blackouts?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Mr Speaker, he's a great—

Mr Gregory S. Sorbara (Vaughan-King-Aurora): You'll declare them illegal: no brownouts under the Eves government.

The Speaker (Hon Gary Carr): The member for Vaughan-King-Aurora, come to order, please.

Hon Mr Eves: Mr Speaker, I feel that the member for Vaughan-King-Aurora is feeling a little lonely. Maybe he'd like to join the NDP caucus so he could get a question on in question period.

Interjections.

Hon Mr Eves: On second thought, maybe that's not such a good idea.

We have taken steps to protect the consumer, as you are aware. I presume you're in favour of that and will support that when the legislation is introduced shortly.

A lot of fearmongering went on at this time about a year ago that the leader of the third party—

Interjections.

Hon Mr Eves: The leader of the third party then suggested brownouts and blackouts. Perhaps he'd like to itemize all the hundreds of blackouts and brownouts we've had in Ontario in the last 12 months. Would you like to itemize them all for us, please?

Mr Hampton: Premier, the question was—even international experts now are identifying that under your scheme of hydro privatization and deregulation over the last seven years, you've left us with not enough electricity. I just asked you, how are you going to cover up the brownouts and blackouts? It's so obvious that your rebate cheques for hydro are an attempt to cover up the high cost and an attempt, by the way, to buy a few votes before the election.

It's pretty clear that not enough electricity does mean the possibility of brownouts and blackouts and it does mean that those private hydro companies that you want to

see in the province will jack up the price, and then taxpayers' dollars will have to go to pay them off, to hide it from the consumers.

I know you believe that you can fool the people with a \$75 cheque just before the election, but how do you prevent the brownouts and blackouts?

Hon Mr Eves: First of all, there has not been a brownout or a blackout in the province of Ontario. He said the same thing a year ago. He was wrong then and he's wrong again. What has he got against consumers being reimbursed every cent they were charged above 4.3 cents per kilowatt hour since May 1? What has he got against that, and does he not want that to happen?

Mr Hampton: Premier, I'm not prepared to take part in what is so obviously a pre-election bribe. You have a tête-à-tête with Ralph Klein and he says to you, "Ernie, this is what we did in Alberta: we gave them a fat rebate just before the election, and then as soon as the election was over we took the rebate off and the hydro bills went sky high again." And what does Ernie do 10 days later? He announces the Alberta rebate and says, "Oh, before the election we're going to send you out a cheque, but don't ask what happens afterwards. Don't ask about electricity supply. Don't ask where the money comes from when the private companies jack the price of hydro up to \$1,000 a megawatt hour."

Premier, the question is this: if you think you can bribe people with a pre-election \$75 cheque, at least tell them as well how you prevent the brownouts and blackouts because your hydro privatization plan isn't drawing any new electricity supply to the province. You owe people that. What's the answer?

Hon Mr Eves: To the leader of the third party, first of all, he keeps talking about brownouts and blackouts, knowing full well that none has occurred and none is going to occur. He's the greatest fearmonger going. He's driven around the province in his little bus trying to tell people there's going to be a blackout any day now. He's been doing that for a year, and he's been wrong every single day for 365 days in a row. The odds are not good for your being right one of these days, Howie.

We have a nine-point plan that deals with protecting consumers as we go forward. We also have a plan that protects consumers until at least 2006. We also have a plan that will encourage people to locate generating facilities here in Ontario. You will have an opportunity to vote against the consumers if you want, to vote against the initiatives to try to encourage people to locate here and generate more power-producing facilities in the province. You can vote against all of that if you want to. We'll be interested to see how you vote.

DIAGNOSTIC SERVICES

Mr Howard Hampton (Kenora-Rainy River): Again, to the Premier: I would have thought that your painful experience with hydro would have taught you that privatization isn't the answer. But last week at midnight your government sends out requests for proposals

for private MRI clinics. Why would you send them out at midnight unless you have something to hide? You've already announced that you also want to get into private hospitals.

I know of course that the Liberals want to keep an open mind on privatized health care, but I want you to know where New Democrats stand. Privatized health care doesn't work for people. Privatized health care may work for corporate profits, but it doesn't work for people. Premier, while we're waiting for Mr Romanow to provide his report to the Canadian people, will you call off your scheme for private MRIs and privately built hospitals?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Mr Speaker, I refer the question to the Minister of Health.

Hon Tony Clement (Minister of Health and Long-Term Care): There are a few points that should get on the record. First of all, this initiative of greater access to diagnostic services, universally accessible, part of our publicly funded system, was announced in the throne speech; it was announced in the budget. I myself made an announcement that we were moving ahead with the project.

The honourable member, the leader of the third party, should get his facts straight. This has been part of public discourse for months. This government is committed to greater diagnostic services in hospitals and we announced three new MRIs last week as well, which he didn't mention in his question, I noticed. But the cities of Ottawa and Owen Sound are certainly grateful that we have moved ahead with MRIs in hospitals, and we are moving ahead with stand-alone clinics just as the NDP government moved ahead with independent health facilities in previous governments.

This is an established practice by the government of Ontario to increase accessibility. You use your OHIP card; universally accessible; consistent with the Canada Health Act; greater services to the people of Ontario—that's what this government is all about.

Mr Hampton: The Premier ought to know that the Romanow commission has already gathered together a number of studies that show that in fact the patient results from a privately operated health care system are substandard compared to a publicly operated system. Just today, yet another report was released showing that for-profit hospitals mean substandard care.

1440

It's quite interesting. You put out your request for proposals for private MRIs at 11:59 pm, one minute before midnight, as if you're afraid to let the public of Ontario see it. Premier, if you're that afraid and if the so-called meetings to discuss the request for proposals are closed to the public, if someone from the public who wants to go to them can't get in, why don't you call off your whole agenda and let the Romanow commission put forward a program for medicare—a program for publicly funded health care, publicly administered health care—rather than the backdoor privatization that seems to have such favour with you? Why won't you at least do that?

Hon Mr Clement: Well, we're having a little bit of fun on this side of the House. Perhaps he thinks we are using crop circles to announce these things as well. Did you not read the throne speech? Did you not read the budget?

The honourable member should be aware that this has been established practice to increase accessibility for the people of Ontario when it comes to diagnostics. In his own riding, in his own community, there are diagnostic services being performed right now by stand-alone clinics that have been part of the Ontario health system for decades.

The fact of the matter is, we have a system that ensures universal accessibility, that ensures that people have access through their OHIP card. That's what this government is committed to. That's what we are all about. The honourable member can talk all he wants about studies about what happens in Arkansas or Alabama or I don't care where, but that's a for-profit system where the patient is charged at source. That is not allowed under our acts, it is not allowed under the Canada Health Act. This government wants to increase accessibility, and we will use creative means and every means possible to do so, because we believe in accessibility.

AFFORDABLE HOUSING

Mr Dominic Agostino (Hamilton East): My question is to the Premier. Premier, I want to ask you about affordable housing in this province. As of today, in the city of Peterborough over 1,100 households are on a waiting list for affordable housing. It can be a wait of up to 10 years to get into one of these facilities in Peterborough. In the city of London there are 3,500 households with up to a four-year waiting period. There are 10% fewer rental units on the market in London today than there were since your government took office. In Guelph-Wellington, 26,000 households are on a waiting list, with a wait of three to five years; 4% less availability on the market today than when you took office.

Premier, we know what you've done. You've gutted rent controls. You've abandoned support for non-profit housing and affordable housing. Can you tell us the other side of the story? Can you tell us how many new affordable housing units have been built in Peterborough, London and Guelph-Wellington since your government took office?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I refer the question to the Associate Minister for Urban Affairs.

Hon Tina R. Molinari (Associate Minister of Municipal Affairs and Housing): On May 30, 2002, the federal government signed a deal with the province to ensure funds for affordable housing under the affordable housing agreement. The Ontario government and the municipalities are pleased that the federal government has remained committed to seeing that the deal goes through.

We recognize that affordable housing is a joint responsibility requiring the support of three levels of government. The proposed new affordable housing program is a short-term step to encourage new affordable housing in construction. The province is close to launching the new program. The first project funded by the program will be starting this year.

Mr Agostino: That answer certainly helps the people of Guelph-Wellington, London and Peterborough who are waiting four to 10 years for housing. The deal you signed with the federal government is a joke. You have not put one new cent of money into that program. You've taken money that was in place and you've moved it around with the municipalities—not one new cent. In the city of Hamilton there are 3,500 households on a waiting list for up to five years, with 5% less market availability today than there was five years ago.

Interjection.

Mr Agostino: The member from London likes to heckle, but can he tell his residents why they have to wait five years to get affordable housing in the city of London? The reality is, you gutted rent controls, you walked away from the table, you abandoned municipalities, you abandoned individuals in Ontario when it comes to non-profit housing. It is a disgrace that in this province that people in cities such as Peterborough have to wait 10 years for affordable housing, that in London you have to wait five years and in Guelph you have to wait four years. It is an embarrassment to this province and this government. You are responsible for this, Minister. Again, today, can you explain to the people of London, Guelph, Wellington and St Catharines how many new units have been built since your government came to power in 1995?

Hon Mrs Molinari: This government believes in tax incentives and the creation of more affordable housing for business. Let me put on the record the Liberal government's housing record.

Interjections.

The Speaker (Hon Gary Carr): Keep it down. It's getting noisy in here. The same crew is always yelling and screaming across.

Hon Mrs Molinari: It's nice to have silence in the room when I put the Liberal government's record in the open. The average rent increase under the Liberal government was 12% yearly. The money they wasted: \$27 million for six housing projects in Toronto that were never built; the NDP and Liberal legacy of a \$1-billion housing boondoggle; \$300 million for consultants' fees—

Interjections.

The Speaker: Members, take their seats. The member for Kingston and the Islands, I'm naming him and I'm asking Mr Gerretsen to leave the chamber right now—number 34 that I've now removed during question period.

Mr Gerretsen was escorted from the chamber.

The Speaker: Associate Minister, we've lost a little bit of time, but you can start over and continue, please.

Hon Mrs Molinari: I can start over? OK. So the average rent increase during the Liberals' reign was 12% yearly. The money they wasted: \$27 million for six housing projects in Toronto that were never built; the NDP and Liberal legacy of a \$1-billion housing boondoggle; \$300 million for consultants' fees; \$550 million for architectural fees; \$50 million for legal fees. Philip Dewan, chief of staff for Dalton McGuinty and former president and CEO of Fair Rental Policy Organization, said, "Much of the criticism has justifiably focused on Ottawa, which has failed to act on urgently required measures such as fair tax treatment of rental housing to make new construction affordable"—

The Speaker: The minister's time is up.

AUTISM SERVICES

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): My question today is for the Minister of Community, Family and Children's Services. This past Monday I was very pleased to join you and the Minister of Citizenship in an announcement for substantial new autism funding. This announcement is particularly interesting to me because autism affects many families in my riding of Bramalea-Gore-Malton-Springdale. I realize that you explained during the news conference that the new funding was for autism. I want to make sure that my constituents did not miss this very important announcement. Could you please tell my constituents and this House exactly what this announcement was about?

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I thank my colleague for Bramalea-Gore-Malton-Springdale for his attendance at the event and for the question today. I was also joined at the news conference by my colleague the Minister of Citizenship, the representative of Mississauga East. It was a wonderful announcement. Today, as we celebrate the International Day of the Child, we have a great deal to celebrate on this side of the House. We have done so much for children and we're particularly proud of this landmark announcement.

Over the last few years, Ontario has shown itself to be a leader in offering services to autistic children and their families. This new announcement has secured our position as a North American leader in both the scope and the breadth of the comprehensive program. I announced an additional \$58.6 million for services for children with autism, which will bring our government's total commitment, on behalf of Premier Eves, to almost \$100 million by 2006-07. This new money is going to two kinds of programs: intensive behavioural intervention and broad traditional programs.

1450

Mr Gill: I know that families across Ontario will be very pleased to learn about this new funding. It is especially good to know that this government is doing everything it can do to address the waiting lists by providing additional funding and the recruitment and training strategy. Minister, my constituents would like to more

about how the government plans to address the shortage of professionals to provide IBI, which is intensive behavioural intervention, and I would like to know how this new funding helps families with children over six years of age.

Hon Mrs Elliott: Thanks to my colleague. This program will invest in two kinds of programs—intensive intervention programs for children aged two to five. One of our difficulties is that we have a shortage of professionals. That is why we are looking for ways to find people to enter this field to eliminate the waiting lists that presently exist and to build capacity so that we can address the problem.

With the help of colleges and universities, as part of this program we are going to develop curricula for training programs. We are going to invest in a recruitment strategy. For children who are over the age of six, we are going to have different kinds of programs: a transitional and support service to ease children from the early intervention programs into the school age. We are also, under the Minister of Education, going to pilot autism program standards in the year 2003-04. These will be forums to teach teachers and special education teachers more about how to help children with autism.

Finally, it can't be forgotten that we have four other programs that offer services to children with autism, in addition to the \$500 million that we've increased in special education programs. A landmark program—

The Speaker (Hon Gary Carr): The minister's time is up. New question.

HAZARDOUS WASTE

Mr David Ramsay (Timiskaming-Cochrane): My question is to the Minister of the Environment. Minister, as you know, on November 1, the Ministry of the Environment issued a deficiency statement regarding the Bennett hazardous waste incinerator EA that was unprecedented in its scope and magnitude. In fact, the four-page letter pointed out not only examples of the gross omissions, inconsistencies and discrepancies in the EA, but it ordered Bennett to overhaul their whole documentation and all its appendices. It is apparent you should have terminated the process, but instead you have given the company a second chance to resubmit their application.

Minister, isn't it clear that a company such as this that is so careless and reckless with its EA documentation can't really be trusted to run a toxic waste incinerator 1,200 metres from homes and schools in the town of Kirkland Lake?

Hon Chris Stockwell (Minister of the Environment, Government House Leader): No, that is not an accurate synopsis of the circumstances. What happened was, they made their application and the Ministry of the Environment reported back that it was deficient. We felt it was significantly deficient. We then issued that letter to Bennett. They have an option under the act to reapply within seven days; that's the law. They can choose to

reapply in seven days or not, but there's no way in the world that the Ministry of the Environment can say that if they don't apply within seven days, they can never apply again. It is a free country. It is a democracy. If they choose to make application, they may do so.

But this has got to be clear to you and the good folks around there: this Ministry of the Environment is very conscious, very cognizant, very aware of the environmental issues. They made a very straightforward and stern decision, addressed the issues, and said they were deficient; in some cases, woefully deficient. I think we should take our hats off to the good people at the Ministry of the Environment.

Mr Ramsay: It is very clear to the 50 people from my riding who have come down here today that basically the process allows a second opportunity and maybe a third opportunity—as you say, it's a free country—for this company to continually apply to position a hazardous waste incinerator in northern Ontario, in the town of Kirkland Lake.

By allowing this process to restart, you're again inflicting great pain and anguish on all the people who want to stop this and protect their environment. You will again be putting the onus on ordinary citizens to really do the public fight to protect the environment, a job that you should be doing, with their private resources and their time and their energy. That's the point of this. Hundreds of people have given their time and money and effort to protect their environment and their livelihood, and now you say they might have to start the battle all over again. This process is wrong and it's punitive to all the people in Ontario.

Minister, who's going to compensate my constituents for this continuing battle they have to wage to protect the environment? When are you going to provide intervenor funding so that we can get proper, professional opposition to these projects so that we can start to debate the science and make sure that Ontario's environment is safe?

Hon Mr Stockwell: The fact remains, and I suppose the second answer is going to be very similar to the first answer, we can't unilaterally tell somebody in this democratic free nation that we live in, "No, you can't make application for use of your land." What we can do as the Ministry of the Environment is to ensure that any application meets the very tough, stringent environmental laws and rules that were put in place by this government and previous governments.

The argument you make is rather moot, I suppose, because when both opposition parties were in government, you could have drafted a bill that said, "You get one application and one application only, and you may never make it again." But the point of the matter is simply this: we have a democracy where they can make application and the Ministry of the Environment can review that application with environmental goals and deeds as the end game. Now, they didn't meet the environmental goals and deeds of the end game. The Ministry of the Environment did their job. It is protecting the

people of this province. All I can tell you is that this was a system you worked under, it's a system we're working under, and we believe it's a good system.

HEALTH SERVICES

Mr R. Gary Stewart (Peterborough): A clarification for Hamilton East: there are a number of affordable housing projects on the table at the moment in Peterborough. Get your facts straight.

The Speaker (Hon Gary Carr): Take your seat. Don't start with that. You don't get to—

Interjection.

The Speaker: Take your seat. Don't start doing that. That's what gets this place going, when you make stupid statements like that. I'd ask that you not do it. Member for Peterborough, ask your question.

Mr Stewart: I don't think it was a stupid question, Mr Speaker.

The Speaker: You're not going to get in an argument with me. You're not allowed to go across to the other side during questions; you don't get to ask questions of the opposition. I ask that you not do it. Do you want your question or not? Otherwise, we'll go in the rotation to the next person if you want. It's up to you: do you want the question or not?

Mr Stewart: Yes.

The Speaker: Good. Go ahead.

Mr Stewart: My question is for the Minister of Health and Long-Term Care. During constituency week, I had the opportunity to speak with a number of my constituents about a very important issue to rural Ontario: nurse practitioners. As you know, the pilot project for the nurse practitioner program is in my riding, in the municipality of Havelock-Belmont-Methuen. Since its inception last year, there have been a number of rumours and media reports within the community that the government is going to pull the funding and the area will lose its nurse practitioner.

Minister, can you clarify this situation once and for all so that I can assure the people of Havelock-Belmont-Methuen that their government is committed to providing them with access to primary health care?

Hon Tony Clement (Minister of Health and Long-Term Care): If I may, I'm glad that my colleague from Peterborough raised this issue, because I know it's one that he has taken a great personal interest in, providing a great deal of hard work on behalf of his constituents. I think that is appreciated, if I may say so, by my fellow caucus members as well.

I can announce at this time, and I can do so to this chamber and to the people of Peterborough county, that the nurse practitioner program will in fact continue in Havelock-Belmont-Methuen township next year. Last night, the Peterborough Victorian Order of Nurses advisory board came forward and agreed to sponsor this very program. The Ernie Eves government will now provide funds to the VON in order to ensure continuous nurse practitioner coverage in the township.

I would like to thank all of those who were involved for their effort and hard work on this issue, and I can tell you that the nurse practitioner program is another example of the Ernie Eves government providing the best publicly funded and universally available health care possible.

Mr Stewart: Thank you, Minister, for your response. I'd also like to thank you, the Eves government and all of the people in the community of Havelock-Belmont-Methuen for your involvement in this particular issue.

I also understand that the Ministry of Health attended the World Health Organization conference last week. I heard that at the conference, Ontario and the Ernie Eves government received a special recognition that praised Ontario's universal influenza vaccination program. This is a great accomplishment. As Ontarians, we all should be proud of this achievement. It just proves that if you want the best health care anywhere in the world, you should come to Ontario.

I was wondering if the Minister of Health could inform my constituents about where to find information about the vaccination program and where they can get the flu shot in the Peterborough area.

Hon Mr Clement: I'm happy to inform the honourable member in this House that it was an honour to represent Ontario at the World Health Organization conference, where in fact we as a province were recognized by Klaus Stohr, the program leader of the global influenza program for the World Health Organization, for Ontario's world-leading role in the fight to eradicate the flu, and we should be proud of this accomplishment.

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For more information on the flu shot, I encourage Ontarians to phone 1-866-FLU-NYOU, or 1-866-358-6968. Of course, one can always access HealthyOntario.com. That is one other way to get that personal information. They can also phone the Peterborough County-City Health Unit at 705-743-1000, or they can visit clinics in their community, for instance the one at the Peterborough Regional Health Centre tomorrow and Friday of this week, located at One Hospital Drive. The clinic will be open from 10 am to 10 pm. Please get your flu shot. It's important for yourself and the health of your community as well.

EDUCATION FUNDING

Mr Rosario Marchese (Trinity-Spadina): My question is to the Minister of Education. If your supervisor is allowed to cut hundreds of responsible adults from our schools, our students, I put to you, will be put in danger.

Vice-principals, lunchroom supervisors, educational assistants, school secretaries, caretakers, youth counsellors and attendance counsellors—all are responsible adults who watch over our children every day in more ways than one. Principals told me that cutting them from our schools is an accident waiting to happen. They warned of a Walkerton in our schools.

Why are you putting our children at risk by removing more responsible adults who watch over them from our schools?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): Unfortunately, we continue with the same type of dire predictions as we heard prior to Mr Christie announcing his balanced budget. You talked about the parenting centres going, the pools going, cuts in the classroom, cuts in special education: none of that has materialized. In fact, we have increased funding for classroom teachers, textbooks and classroom supplies. We have increased the spending on hall monitors, so we have increased school safety. Everything that has been done has been to focus on the child in the classroom.

The Speaker (Hon Gary Carr): Supplementary?

Ms Marilyn Churley (Toronto-Danforth): Minister, when I warned your government about privatizing the water testing labs, I got the same answer. Then Walkerton happened.

Let me tell you that a six-year-old child was sexually assaulted in a school in my riding. The accident has already happened there and the parents, that child and the community are still trying to deal with it. People are already concerned about their children's safety.

The administration that you're talking about are real people. They are the men and women, the eyes and the ears in the school, who watch and look after our children. When you mention administration, Minister, you are talking about the eyes and ears who watch our children. I'm asking you today to face reality. These children are now being put at risk. Tell it like it is. Tell us that you will put these people back in our schools.

Hon Mrs Witmer: I appreciate the member's concern for our children, but the member needs to keep in mind a couple of things: number one, our government has recognized that our schools need to be safe environments. That's why we introduced the Safe Schools Act. That is very important.

Furthermore, Mr Christie has responded to the need as well by increasing the number of hall monitors. This has been taken into consideration. I would just—

Interjections.

Ms Marilyn Mushinski (Scarborough Centre): Hall monitors. That means more security.

The Speaker (Hon Gary Carr): Order. The member for Scarborough Centre can't continue with that. I ask Mrs Mushinski to leave as well. Her minister had to sit down because of her own member.

Mrs Mushinski was escorted from the chamber.

The Speaker: Stop the clock, sir. I think we lost track of time a little. I think the minister had some more time, if she wishes.

Hon Mrs Witmer: I simply wanted to emphasize the fact that the issue of hall monitors was a very important issue. The number of hall monitors in order to help and protect students and keep students safe under this budget has actually been increased.

IPPERWASH PROVINCIAL PARK

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Premier. Today we have more evidence of the need for a public inquiry into Ipperwash. You'd be aware that the judge at the trial involving the death of Dudley George said, "I find that the accused ... knew that ... Dudley George did not have any firearms on his person when he shot him," and that the story of the rifle and muzzle flash "was concocted ex post facto in an ill-fated attempt to disguise the fact that an unarmed man had been shot."

Today we find in the government document that the government is saying the protesters were armed. How in the world can the government say that the protesters were armed when the judge, supported by the Supreme Court of Canada, concluded that the protesters were not armed?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I refer this to the Attorney General.

Hon David Young (Attorney General, minister responsible for native affairs): Indeed the honourable member has raised very similar issues in this assembly on numerous prior occasions. I have said on those occasions that this is a matter in front of the Superior Court of Justice of Ontario. I think we should be respectful of that fact. This is a matter that should be determined by an independent, impartial trier of fact. It is not a matter that a politician who is partisan should determine, regardless of which side of the Legislative Assembly they happen to sit on. These are all facts that are in front of the court, and I have the utmost confidence that in due course they will make the right decision.

Mr Phillips: I realize that former Premier Harris has a civil case. But just because there are civil cases before the courts does not stop me from asking questions here in the Legislature and should not stop a public inquiry.

I want to raise a second point that the government has said. You have said that the protesters were illegal occupiers. You should be aware, Attorney General, that your own crown attorney was forced in court, when he acknowledged that you had evidence of a burial ground, to drop all of the charges against the protesters. In fact, it says here in your own document from your crown attorney, "Further, it has been clearly indicated by the provincial division judges at pretrials that this defence will succeed in all instances when it is raised," ie, of the burial ground, and therefore the crown withdraws all charges.

Again I say to you, you have said in the court document today that they were illegal occupiers, but your crown attorney was forced to drop the charges against these people in court because you had no evidence that they were there illegally. Why in the world are you putting out documents saying they were illegal occupiers when you yourself, the government, dropped the charges because you knew you had no evidence that they were illegal occupiers?

Hon Mr Young: I say again that this is not the appropriate forum to determine matters in dispute that are in

front of the court. The honourable member has chosen a paragraph to refer to in what is indeed, as I have here, a 37-page factum that has been filed by the court. He's chosen to ignore all the other paragraphs. He's done so presumably because it advances his partisan case, his position.

I say to you, sir, with the greatest respect, we should leave this matter to the independent, impartial court that has been assigned to deal with it.

MUNICIPALITIES

Mr Steve Gilchrist (Scarborough East): My question is for the Associate Minister of Municipal Affairs and Housing responsible for urban issues. As you know, Scarborough East is a predominantly urban riding. I must admit I'm pleased to hear the dialogue coming from the government concerning the vitality of urban centres all across this province. I believe it's important for those who live in urban areas to be assured that we, the Conservative government, have invested in strong communities that will remain globally competitive in the 21st century.

Minister, yesterday the federal government finally realized, through the Sgro report, that different urban regions actually have unique needs. Can you please tell this House how our government has already recognized the unique needs of urban communities across this province?

Hon Tina R. Molinari (Associate Minister of Municipal Affairs and Housing): I thank the member for Scarborough East for his question and for his interest for his community. This is an important issue not only for the constituents of Scarborough East but for constituents in all of Ontario.

This year at the AMO conference, Premier Eves emphasized the need to respond to the challenges facing cities and urban centres. Our province is willing to join in the emerging dialogue as long as it addresses the real needs of our cities. The process surrounding this dialogue must involve all levels of government working toward co-operative, long-term solutions for municipalities rather than ad hoc, one-off solutions.

I am pleased to report that my urban forums have been an excellent way to better understand and address the issues of all the opportunities within the urban centres.

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Mr Gilchrist: I'm certainly happy to hear you are making great progress meeting with representatives from urban municipalities across the province to better understand their issues. I'm also happy to hear that the government's commitments are being followed up by actions.

But yesterday the federal government laid out its plans for Canadian municipalities in the Sgro urban task force report. I have to admit I was encouraged by the direction that was taken to ensure our cities remain competitive globally. But knowing that Ontario gives \$32 billion a year more to Ottawa than we get back, let me say it's

high time the federal government recognized that they should be making reinvestments, in our province, the province that carries the rest of Confederation behind it.

Tell me, Minister, as you've been meeting with the people you described in those urban town hall meetings across the province, are they encouraged by the federal report and the federal Liberal promises?

Hon Mrs Molinari: We are encouraged by the direction the federal government laid out in the Sgro report. Our government agrees that the continued competitiveness in urban centres is important. We are pleased that the feds have also clearly recognized what we, the province, have been saying all along; that is, the feds have a significant role to play in the long-term needs in helping municipalities deal with infrastructure challenges.

We will continue to demand that the federal government play a greater role as a full partner to help fund infrastructure needs and that they are coordinated with the provincial governments and for municipal priorities. Our government looks forward to working in partnership with the federal government once they make long-term funding guarantees for municipalities. They must also recognize the fiscal imbalance that is existent between the federal government and the province of Ontario and all the provinces.

HAZARDOUS WASTE

Ms Caroline Di Cocco (Sarnia-Lambton): My question is for the Minister of the Environment. On November 6, I asked if you had stopped the tar pond sludge from Sydney, Nova Scotia, from being accepted into Ontario and dumped into the landfill in St Clair township. From the response you provided at the time, you obviously didn't understand the question, nor did you know your facts.

On November 8, 2002, the waste management branch of the environment ministry confirmed that the Brigden site near Sarnia is the only site in the province with a permit to bury untreated hazardous waste. I'd like to go further: it is the only place in North America that allows this type of dumping. So I'll ask you again: will you stop the highly toxic tar pond sludge from Sydney, Nova Scotia, from being dumped in Ontario?

Hon Chris Stockwell (Minister of the Environment, Government House Leader): The fact is that we have harmonized with the neighbouring jurisdictions our levels for dumping with respect to sludge. There is a certain requirement that anyone who wants to do that would have to meet according to Ontario provincial standards. The only way they can do the dumping is that they meet the Ontario provincial standards, which have been harmonized.

To put the case to the point, if you look back to the dumping in previous administrations, hazardous waste imports have now gone down by over 31%. Why did they go down 31%? Because we changed the regulations to force people who were trying to dump this sludge in the

province to conform to tighter regulations that conform to other jurisdictions around us. So it's going down, and next year we expect it to go down again. Our regulations are tough, we've made them tougher and the fact of the matter is that they have been harmonized, something previous administrations didn't do.

Ms Di Cocco: Minister, you've harmonized it so well that we're trucking it in from Sydney, Nova Scotia. There's nothing closer that will take the waste. I'll tell you, you really are a piece of work. How is it in the best interests of Ontario to allow 9.3 million pounds of this highly toxic substance from the Domtar tanks in Sydney, Nova Scotia, to be dumped in Ontario? You tell me how that is in the best interests of the public and the best interests of the people of Ontario. Your ministry doesn't know that you've changed the regulations, and neither does the site in Brigden. Have you changed their certificate of approval? I don't think so. Minister, will you stop that substance from coming into Ontario?

Hon Mr Stockwell: Well, here's how the system works: you change it by regulation. The regulations were changed by this government to force any people who are importing this stuff to meet the requirements and regulations that the government has set down. We changed the regulations. That's why it has been reduced by 31%. The question that you put forward is that the staff doesn't know about this—

Interjection.

Hon Mr Stockwell: Oh, that's way out of order. I saw what she said. It was far worse than what my friend the minister said the other day, and I think you should stand up and withdraw that.

Mr Speaker, the honourable member did the honourable thing yesterday and withdrew. I think that honourable member should do the honourable thing and withdraw that comment.

Ms Di Cocco: On a point of order, Mr Speaker: I will withdraw the comment that I made.

The Speaker (Hon Gary Carr): I thank the member, and the minister I think has about 10 seconds to wrap up.

Hon Mr Stockwell: What I want to say is that that material—and I'll go even further. If you have a community group that would like to meet with me so I can explain the new regulations and tell them all the work that we've done to make sure that this meets the requirements, I'll be happy to meet with that community and explain to them the process. I think we should get into direct dialogue between me and that community rather than you and that community, so I can get them educated.

INTERJURISDICTIONAL SUPPORT ORDERS

Mr John O'Toole (Durham): My question is to our Attorney General. Minister, I know that the people of Durham and the people of Ontario share your commitment that families and children who rely on support orders receive the payments they are entitled to. It's simply a question of fairness and respect, not the least of

which is the law. I'm very disappointed that some individuals try to avoid their legal responsibilities by moving out of the province, indeed out of the country. These people feel that by leaving Ontario's borders they are able to turn their backs on their communities, perhaps their families, and indeed the law.

Minister, these people need to know that leaving Ontario—they should realize they can run but they can't hide from their obligations—

Interjections.

The Speaker (Hon Gary Carr): Order. We'll let the member speak. Order, please. We almost have—time's up, and the member wants to ask the question. I'll let the member start over again.

Mr O'Toole: Thank you, Mr Speaker.

The Speaker: You're almost done now.

Mr O'Toole: In that case, there's more to be said on this issue, but certainly I want to leave our Attorney General an appropriate amount of time to respond in defence, not just of the people of Durham, but in fact of Ontario. You can run but you can't hide from our Attorney General, and I can tell you that those individuals fleeing the law and the court orders are denying access to their families and their children.

What recent actions, Minister, have you taken to ensure that the money owed to these families will be collected regardless of where the parent lives? Indeed, Speaker, this is all about protecting children. I know our Attorney General wants to respond to this.

Hon David Young (Attorney General, minister responsible for native affairs): This is indeed an important point. I appreciate that it's the end of question period, but there are a lot of individuals across this province, and indeed across the country, who would be very interested in this very positive development.

No child should ever go without simply because one parent moves into another jurisdiction across this country, or for that matter anywhere. What we have done under the leadership of Premier Eves is we have brought forward legislation that was signed into law yesterday, Bill 131, the Interjurisdictional Support Orders Act, that will simplify the method by which parents in one jurisdiction can have support orders enforced in other jurisdictions. It is reciprocal. I'm very proud of that fact. I'm very proud of the fact that literally thousands of families will now find it easier to have those support orders honoured and to have the funds delivered to where they are supposed to be delivered, in most cases to some of the most vulnerable people in our society, young children.

1520

NOTICE OF DISSATISFACTION

Mr Joseph Cordiano (York South-Weston): On a point of order, Mr Speaker: I wish to express my dissatisfaction with the Premier's answer to my question today. I have filed the appropriate document challenging

the Premier. I know he won't show up—but it would be different—to a late show.

Interjections.

Mr Cordiano: Why not? That would be the appropriate—

The Speaker (Hon Gary Carr): I thank the member. He has filed that; that's very good. We will make sure that happens.

RESPONSES TO PETITIONS

Mr Michael Prue (Beaches-East York): Mr Speaker, on a point of order: On September 23, I tabled a petition in this House and it was to be responded to by the Minister of Housing. We have no response to date, and the 24 sessional days are long past. I am seeking that an answer be given.

The Speaker (Hon Gary Carr): I thank the member for the point of order. The members will know that the requirement has gone past the time, I do believe, so the minister, hopefully, will get a chance to respond to that and I'm sure he will.

PETITIONS

HAZARDOUS WASTE

Mr David Ramsay (Timiskaming-Cochrane): I have a petition here signed by 8,080 people from Timiskaming-Cochrane in regard to Bennett Environmental toxic waste application.

"Whereas the Ontario Environmental Assessment Act has been significantly weakened with regard to the regulations concerning the siting of landfills, incinerators and other project proposals, thereby allowing northern Ontario to be unduly targeted as a waste zone; and

"Whereas American experience has show that all, even state-of-the-art, incinerators produce and emit dioxins, furons, lead, mercury and cadmium at levels that create significant measurable health impacts on the affected communities; and

"Whereas the proposed Bennett incinerator is in violation of the Canadian Council of Ministers of the Environment guidelines;

"We, the undersigned, petition you, as the Premier of the province of Ontario, to turn down the current application for the Bennett toxic waste incinerator proposed for Kirkland Lake; and

"We, the undersigned, further petition you, as Premier of the province of Ontario, to replace the current Environmental Assessment Act with legislation that gives affected communities a full environmental assessment including intervenor funding and a comprehensive and public hearing."

I will affix my signature to this.

CHILD CARE

Ms Shelley Martel (Nickel Belt): This petition has been sent to me by Jubilee Heritage Family Resources in Sudbury. It reads as follows:

"Whereas 70% of Ontario women with children under age 12 are in the paid workforce;

"Whereas high-quality, safe, affordable child care is critical to them and their families;

"Whereas the Early Years Study done for the Conservative government by Dr Fraser Mustard and the Honourable Margaret McCain concluded quality child care enhances early childhood development;

"Whereas this government has cut funding for regulated child care instead of supporting Ontario families by investing in early learning and care;

"Therefore, be it resolved that the Ontario government adopt the NDP's \$10-a-day child care plan and begin implementation by reducing full child care fees to \$10 a day for children aged two to five currently enrolled in regulated child care, by providing capital funds to expand existing child care centres and build new ones, by funding pay equity for staff, and by creating new \$10-a-day child care spaces in the province."

I agree with the petitioners. I have affixed my signature to this.

HYDRO RATES

Mr Ted Arnott (Waterloo-Wellington): I'm presenting this petition on behalf of the member for Oakville. It reads as follows:

"Whereas the province has stated its commitment to ensuring affordable hydro rates for the citizens of Ontario;

"Whereas the province's recent move to deregulate hydro rates and place them within the competitive context of the open market has resulted in actual and high rate increases, including retroactive ones, for Ontarians, summer heat waves notwithstanding;

"Whereas these hydro rate increases, above and beyond what citizens have paid before deregulation, present a great burden to many young families and those who are on fixed incomes;

"Whereas the province itself admits that a review of hydro rates is necessary and has inaugurated one, albeit one with an overly lengthy mandate;

"We, the undersigned, petition the Parliament of Ontario as follows:

"That the province be directed to freeze hydro rates to last year's levels immediately during its current review of its deregulation policy and move forward to protect citizens of Ontario against such exorbitant rate hikes."

It's signed by many hundreds of constituents of the riding of Oakville. Might I add, the member for Oakville was absolutely right.

NATURAL GAS RATES

Mr Michael Gravelle (Thunder Bay-Superior North): I have more petitions related to the Union Gas retroactive delivery charge and the need for the government to act, which backs up the plea made earlier in the day by my colleague from Sudbury, Rick Bartolucci.

"To the Legislative Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million;

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship;

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases."

I am strongly in support of this and am happy to sign my name. I will pass it off to Jared, one of our new pages. Thank you very much.

CUSTODIAL CARE

Mr Peter Kormos (Niagara Centre): I have a petition to the Legislative Assembly of Ontario.

"The regional council of Niagara have presented to the social services minister the following recommended changes to the legislation:

"(1) That the province of Ontario amend the Child and Family Services Act to recognize custodial care by extended family members as a legitimate intervention and that the related funding to support these care arrangements be made available;

"(2) That the temporary care allowance rate pursuant to the Ontario Works Act be altered to reflect established rates for similar care by foster parents;

"(3) That the regional municipality of Niagara, along with the Niagara Family and Children's Services, train their respective staff on the program options available to extended family members wishing to care for children;

"(4) That the region of Niagara, along with Family and Children's Services, advocate for the recommended changes with the Ministry of Community and Social Services as well as relevant associations, such as the Ontario Association of Children's Aid Societies;

"(5) That other consolidated municipal services managers be informed of this issue through circulation of this committee report;

"(6) That the province of Ontario be encouraged to consider a legislative change to permit open adoptions;

"(7) That the regional chair correspond with the Minister of Community and Social Services to advise the minister of these recommendations;

"We, the undersigned support these recommended changes to the legislation."

I of course have affixed my signature as well and I send it to you with page Brian from Sarnia.

SCHOOL BUS SAFETY

Mr Pat Hoy (Chatham-Kent Essex): To the Legislative Assembly of Ontario:

"Whereas some motorists are recklessly endangering the lives of children by not obeying the highway traffic law requiring them to stop for school buses with their warning lights activated;

"Whereas the current law has no teeth to protect the children who ride the school buses of Ontario, and who are at risk and their safety is in jeopardy;

"Whereas the current school bus law is difficult to enforce, since not only is a licence plate number required but positive identification of the driver and vehicle as well, which makes it extremely difficult to obtain a conviction;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the measures contained in private member's Bill 112, An Act to amend the Highway Traffic Act to protect children while on school buses, presented by Pat Hoy, MPP, Chatham-Kent-Essex, be immediately enacted. Bill 112 received the unanimous all-party support of the Ontario Legislature at second reading on June 13, 2002.

"Bill 112 imposed liability on the owner of a vehicle who fails to stop for a school bus that has its overhead red signal lights flashing....

"And we ask for the support of all members of the Legislature."

I have affixed my name to this petition.

COMPETITIVE ELECTRICITY MARKET

Ms Shelley Martel (Nickel Belt): These petitions are from residents of Hamilton. They read as follows.

"To the Ontario Legislature:

"Whereas the Harris government's plan to privatize and deregulate Ontario's electricity system will lead to higher rates because private owners will sell more power to US customers whose rates are typically 50% higher than Ontario's; and

"Whereas selling coal plants like Nanticoke to the private sector will lead to more pollution because the private owners will run the plants at full capacity to earn a profit; and

"Whereas electricity deregulation in California has led to sky-high rates and blackouts; and

"Whereas Ontario needs a system of public power that will ensure rate stability, environmental protection and secure access to power;

"Therefore, be it resolved that the undersigned call on the government to scrap electricity deregulation and privatization and bring in a system of accountable public power. The first priority for such a public power system must be incentives for energy conservation and green power. Electricity rates and major energy projects must be subject to full public hearings and binding rulings by a public regulator instead of leaving energy rates to private profit."

I agree with the petitioners and I have affixed my signature to this.

1530

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This is a continuing petition with regard to the multi-laning of Highway 69 between Sudbury and Parry Sound. It's to the Legislative Assembly of Ontario.

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and"

Whereas in the last three years, 46 people have died on that stretch of highway between Sudbury and Parry Sound; and

Whereas so far this year 10 people have been tragically killed on that highway between Sudbury and Parry Sound; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and"

Whereas the Premier of this province, Ernie Eves, will be in Sudbury tomorrow night; and

Whereas the community of Sudbury demand that the Premier of this province announce a start date for the four-laning of Highway 69 tomorrow night in Sudbury; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Eves government has failed to do so;

"Be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I affix my signature to this petition and give it to Lauren, our new page, to bring to the table.

KIDNEY DISEASE

Ms Shelley Martel (Nickel Belt): This petition is signed by people from Hamilton. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas we, the undersigned residents of Ontario, draw the attention of the Legislature to the following:

"Whereas kidney disease is a huge and growing problem in Canada;

"Whereas real progress is being made in various ways of preventing and coping with kidney disease;

"We, the undersigned, petition the Legislative Assembly of Ontario to encourage the Canadian Institutes of Health Research to explicitly include kidney research as one of the institutes in its system, to be named the Institute of Kidney and Urinary Tract Diseases."

I have affixed my signature to this.

LONG-TERM CARE

Mr James J. Bradley (St Catharines): My petition is to the Legislative Assembly of Ontario.

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% over three years, or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year, effective September 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month after three years; and

"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario for 2002; and

"Whereas, according to the government's own funded study, Ontario will still rank last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and the provincial government provide adequate funding for nursing and personal care to a level that is at least at the average standard for nursing and personal care in those 10 jurisdictions included in the government's own study."

I affix my signature. I'm in agreement with the petition.

COMPETITIVE ELECTRICITY MARKET

Mr Peter Kormos (Niagara Centre): This is a petition addressed to the government of Ontario.

"We, the undersigned residents of Ontario, recognize that:

"(1) Electricity rates in deregulated, private, for-profit markets such as Alberta and California fluctuate wildly in supply and price, and are a much higher price than in comparable public power systems;

"(2) Deregulation in California caused more blackouts than Ontario has suffered from ice storms or other natural disasters while public power has protected us from market fluctuations in supply as well as price;

"(3) At-cost electricity has helped build and support Ontario's economy, while deregulation would destabilize the economy, with soaring rates, reduced reliability and increased production costs leading to plant closures, job loss and economic decline;

"(4) Soaring electricity rates would put a significant burden on school boards, hospitals, public transit and other public services which cannot afford to pay double for their electricity;

"(5) Seniors and other members of our communities on fixed incomes would be hard-hit by increasing rates, and the living standards of millions of Ontarians will be harmed;

"(6) Privatization will trigger NAFTA provisions, making it practically impossible to reverse this dangerous experiment and would cost us Canadian control over electricity;

"(7) Privatization, deregulation and loss of sovereignty would close the door on public accountability of the industry in regard to environmental safety and energy security concerns; and

"(8) An alternative exists in the form of a truly accountable, transparent and affordable publicly owned and controlled system operated at cost for the benefit of all Ontarians;

"Therefore, we demand that the Ontario government immediately halt the planned privatization, sell-off and deregulation of the public electricity system."

I have affixed my signature as well, as has Ms Martel from northern Ontario, my colleague in the NDP caucus.

EDUCATION FUNDING

Mr David Caplan (Don Valley East): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Progressive Conservative government promised in 1995 not to cut classroom spending, but has already cut at least \$2 billion "from our schools and is now closing many classrooms completely; and

"Whereas international language weekend classes are a needed part of learning for many students in our neighbourhood; and

"Whereas the Education Act, specifically regulation 285(5), mandates provision of these programs where demand exists; and

"Whereas the Conservative government funding formula is forcing the Toronto District School Board to cancel these Saturday classes for groups who want this programming;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to instruct the Minister of Education to restore meaningful and flexible funding to the Toronto District School Board, to ensure that they are able to continue to accommodate these Saturday international languages classes."

I wholeheartedly agree with this petition, as do my colleagues, and I have affixed my signature to it.

OPPOSITION DAY

COMPETITIVE ELECTRICITY MARKET

The Deputy Speaker (Mr Bert Johnson): The Chair recognizes the leader of the third party, Mr Hampton from Rainy River.

Mr Howard Hampton (Kenora-Rainy River): I move the following resolution:

Be it resolved that skyrocketing hydro bills have shown beyond any doubt that Ontario's hydro system must be operated as a non-profit public service;

That no portion of Hydro One or Ontario Power Generation should be sold or otherwise transferred into the control of profit-seeking corporations;

That hydro bills for all customers, including the price of the electricity itself, must be regulated on the basis of power at cost by an independent public utilities commission;

That Ontario Power Generation should get back into the business of building generating capacity, starting with a major commitment to green power, conservation and efficiency but also including a significant amount of gas-fired power. Enough new generation should be built to allow all Ontario's coal-fired generating plants to be shut down by 2007. OPG's plans for new capacity should be subject to public review and a final decision by the independent public utilities commission; and

That it is now urgent to terminate the disastrous experiment with a so-called competitive market in electricity.

The Deputy Speaker: Mr Hampton has moved opposition day number 3. There was one misprint in mine. Should that be 2007?

Mr Hampton: Yes, 2007.

The Deputy Speaker: Thank you. The Chair recognizes the leader of the third party, from Kenora-Rainy River. I'm sorry to have missed the "Kenora" earlier.

1540

Mr Hampton: That's all right, Speaker. I know that as constituencies change with every federal redistribution, your constituency may disappear in this election.

I can think of no issue that is more urgent for people across this province. We have seen over the last four years a Conservative government tell the people of Ontario that privatizing our hydro system, turning what has been a not-for-profit hydro system into one that is owned by several profit-driven companies, and deregula-

ting the price would be good for consumers. That was the government's line. In fact, they spent millions of dollars on television advertising campaigns, on newspaper advertising campaigns, telling people across the province that privatized, deregulated hydro would increase supply and lower the price.

For our part as New Democrats we pointed out time and time again to people that no matter where you look, privatized and deregulated hydroelectricity has indeed not worked very well. Certainly the instant examples that come to mind include the situation in California, where prices literally went through the roof and where there were rolling brownouts and blackouts. And we learned after the fact that there never really was an electricity shortage in California; it was just that when profit-making companies get their hands on the generation and supply of electricity, they have every incentive to engage in market manipulation, creating artificial electricity shortages and then driving up the price and gouging consumers. That happened in California, and people know about it.

Then we saw the episode in Alberta, where people literally saw, after deregulation and partial privatization of the system, that people's hydro bills went up 500%. Montana: people saw their hydro bills, after deregulation in the state, go up four times. If we want to look farther abroad, many parts of urban New Zealand went without hydroelectricity on a continuing brownout and blackout basis for months following hydro deregulation there. And then we have the case of Great Britain, where they essentially had to re-regulate the system in order to cut out some of the market manipulation, but the re-regulating of the system has meant that some of the companies that were in fact gouging consumers before are now bankrupt; British Energy comes to mind.

New Democrats pointed out time and time again that deregulation-privatization was not going to result in adequate or reliable or predictable supply of electricity; if anything it would create conditions of chaotic supply. And what do we have now? Today a report comes out from an independent body, the North American Electric Reliability Council. It's their winter report for 2002-03, and what do they say about Ontario? They say that the reserve capacity in Ontario, for those days when you have peak demand or peak need for electricity, isn't sufficient. They say that we've only got a 10% reserve supply. Even California has an oversupply of 20%. Quebec, next door to Ontario and which has not-for-profit, publicly owned hydroelectricity, has an over 18% reserve capacity. But following five years of this government's fascination with privatized, deregulated hydroelectricity in the province, we are in a situation where we could well face brownouts and blackouts this winter. Imagine, when it's 20 below zero or 30 below zero in a community in this province and the power goes off and there's no electric heat.

This government wants to pretend that's not a problem. In fact, this government believes that by mailing out some \$75 rebate cheques they can cover up the problem,

they can hide the problem. This government has created a very, very serious problem indeed, and merely mailing out some pre-election hydro rebate cheques, a sort of pre-election bribe to people, in the hope that they can cover up the problem by doing that just illustrates how bankrupt this government is in terms of its whole misguided hydro privatization and deregulation—completely bankrupt.

In the months of August, September and October, people across the province started to figure this out; in the months of June and July, they started figuring it out too. The government said there'd be lots of power, but the hydroelectric Independent Market Operator, about every second week during the summer, was putting out an advisory, "Please, consumers of Ontario, can you shut off the air conditioner? Can you stop using the electricity that you need, because we're in a brownout situation?"

It was very interesting in question period today. The Premier tried to deny that there had been brownouts. Somebody needs to inform the Premier that this summer the IMO categorically states there were no less than six brownouts in the province of Ontario. A brownout is defined as a situation where there is not enough electricity to meet the demand, and you then either face rolling voltage problems or you have to ask people to reduce their demand for electricity in order to avoid a real disaster. Somebody needs to inform the Premier that there were in fact six brownouts this summer.

In the summer you can perhaps deal with those without too serious consequences, but in the winter when it's 30 below, or colder in many communities in the province, and you face a brownout, that is very serious stuff indeed. This government needs to recognize that it is its misguided hydro privatization and deregulation scheme that has led us to this point and put people at this kind of risk.

The people discovered, this summer and this fall when they started getting their hydro bills, what hydro privatization and deregulation means when they started getting all these warnings from the IMO: "Please turn off your air conditioner. Please turn off your lights." I don't think the government's propaganda campaign is going to fool anyone. I don't think the \$75 pre-election bribery cheque is going to fool anyone either.

People know what happened in Alberta. They know that the Premier had a tête-à-tête with Alberta Premier Ralph Klein two weeks ago. Ralph Klein told Premier Eves two weeks ago, "After the price of electricity went through the roof in Alberta following privatization and deregulation, we were in political trouble there too. But we just floated some pre-election rebate cheques and people swallowed it. And then after the election we ended the rebate cheques, and their hydro bills went through the roof—but we still got re-elected." That was the Alberta strategy.

It's very clear that Premier Eves and the Conservative government think the same pre-election bribery will work here in Ontario. But I have to tell you, I think Ontario people have been watching what happened in California,

Alberta and Montana. People are aware that Montana, in the state elections two weeks ago, voted overwhelmingly to get rid of the deregulation scheme and re-regulate the price and supply of hydroelectricity in that state. So I don't think people are going to fall for this pre-election bribe, this \$75 gift in the mail, just before the election.

There are very serious issues here that have to be addressed. I want to address them. Unlike our counterparts in the Liberal Party—it's hard to say what their policy is now on electricity. It was pretty clear, though, for four years there that they wanted to tell the public one thing; meanwhile, they were trolling up and down Bay Street telling the companies interested in private electricity, "Contribute money to the Liberal Party, because if we form the government we're going to continue privatization and deregulation." I think it's only as the Liberals have been found out, when the microphone has been pressed in their face and they've been forced to clarify their position, that they've move around a bit. It was interesting.

On Monday, the Liberals said that they were going to abandon privatization and deregulation of hydro, but on the same day a fundraising letter went out to those same Bay Street companies that want privatized and deregulated hydro, that want the hydro prices through the roof, and this letter, the same day the Liberals were out there saying, "We're opposed to deregulated hydro, opposed to selling off the hydro system," this fundraising letter is out there saying to the same companies that want privatized hydro and want deregulated hydro, "With Dalton McGuinty's Liberals, we'll get the plan Ontario needs to attract investments"—private investments in hydro. And then it says, "I urge you to contribute today. Your maximum annual contribution to the Ontario Liberal fund is \$7,500 with the opportunity to donate an additional \$5,000 to individual riding associations."

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They're still doing it. They are still telling the public of Ontario, or trying to tell them, that they are opposed to hydro privatization and deregulation, but then they're out there trolling up and down Bay Street saying to the same companies that want privatized hydro and want deregulated hydro, "Send your cheques to the Liberal Party. Wink, wink, nudge, nudge. After the next election, if the Liberals form the government, don't worry, hydro privatization and hydro deregulation will continue."

Talk about duplicity. Talk about saying one thing on Main Street and the opposite thing on Bay Street. The Liberals continue to think they'll get away with that. I've got news for you. You, the Conservative government, won't get away with a pre-election bribe, and the Liberals won't get away with telling two different stories, one to the consumers who don't want hydro privatization and another to the investors who want it so badly. Neither of you will get away with it.

What do we need to do? I want to point out, for all those people who hear this propaganda that you should privatize and deregulate hydro, look at Hydro-Québec, in the province immediately to the east of us. Quebec isn't

privatizing or deregulating their hydro. Quebec recognizes that the supply of hydroelectricity is something that is fundamentally essential to the operation of their economy, fundamentally essential to people in their daily lives and to the schools and the hospitals and the colleges and the universities, and that something that is a fundamental public necessity should not be put in the hands of profit-driven corporations that will have every incentive in the world to create artificial electricity shortages so they can drive up the price and make more profit. Quebec recognizes that this public necessity should be kept in public hands and operated on a not-for-profit basis so that people will be able to afford to turn on the lights and turn on the heat. When it's 30 below in the winter, by God, they'd better be able to turn on the lights and turn on the heat.

Manitoba, to the west of us: Manitoba isn't privatizing their hydro. Manitoba Hydro is publicly owned, publicly operated, not-for-profit, and has the lowest electricity rates in North America. Imagine that. When in my constituency of Kenora-Rainy River, people in Kenora were getting hydro bills this summer, they expected a hydro bill for \$80, which is what it had been in the past, but they got one for \$160. And then they'd phone up their son or daughter or niece or nephew in Winnipeg and say, "What are you paying for hydro in Winnipeg?" And they would say, "We have the lowest prices in North America. Our system operates on a non-profit basis. We don't have to worry in Manitoba about Enrons trying to force up the price." They don't have to worry in Manitoba about Brascan funding the Premier's leadership contest to the tune of \$140,000 and then driving up the price of electricity in places like Wawa or Sault Ste Marie. They don't have to worry about those situations.

I just say to the people of Ontario, no matter where you look in this fiasco of hydro privatization and deregulation, a number of things happen. One, the supply of electricity becomes more chaotic. If I were a profit-driven hydro company, would I want to build new supply if I could create an artificial electricity shortage and then drive up the price? No, I'd want to have a situation where in fact there was almost a chronic shortage of electricity. I'd want the highest prices possible. That's how I'd line my pockets; that's how I'd make a lot of profit.

Wherever you find privatized, deregulated hydro systems, the supply of electricity—what you need when it's 40 below, what you need when it's midnight and you need some lights—is chaotic. The other thing that happens in a privatized, deregulated system, as people in Ontario found out, is that the price goes up. Why? Because the generating company wants a profit. If they can make a 40% profit, good. If they can make a 50% profit, if they can double the price and make a 100% profit, they'll do it. Then the transmission company wants a profit. If they can get 15% or 20%, they'll take it. And the distribution company wants a profit. If they can make 15% or 20% profit, they'll add that to the bill.

Then you've got the door-to-door electricity marketers that this government has brought into Ontario. You

know, Direct Energy, that literally went to people's doorsteps and lied to them to get them to sign contracts, that forged contracts. People discovered after they had listened to the flim-flam that they were going to be paying at least 40% more for the raw price of electricity. Imagine when people got their hydro bill, expecting it would go down, and it doubled. So when you add in all these new profit-takers, fee-takers, commission-takers and then the people standing in the background, the Bay Street people who want their fee, it's no wonder people's hydro bills doubled. That's the difference between not-for-profit hydro and a hydro bill where you've got eight or nine profit-takers, fee-takers and commission-takers who are all trying to get into the consumer's pocket. That's what people have discovered here in Ontario.

What do we need to do? Again I make this point to people: this is an essential public service. It is a public necessity. It's not like buying a car. If General Motors, Ford, Chrysler, Honda, Toyota and all the rest doubled the price of cars next week, as a consumer I would still have a choice. I could say to them, "I'll keep my old car and fix it up," or I could say, "I'll buy a second-hand car," or I could talk to my colleague here from Niagara Centre and say, "We'll car pool for a while. But I'll be damned if I'm going to get ripped off by somebody who's doubled the price of cars." Do you know what? Those cars would sit there on the lot for six months or seven months until they brought the price down.

It's not like that with electricity. First of all, you can't store electricity on the lot. Second of all, I need it every day. Try to run your refrigerator without having electricity every day. See what happens to the safety of your food. Try running your furnace at 40 below when you don't have electricity and see what happens. That's the reality of electricity. It's a necessity every day. You can't store it, and you can't say, "Because you've doubled the price, I'm not going to buy any for a week."

The other reality is that it takes four, five or six years to bring on new supply. So when you privatize and deregulate the market and the Enrons and the Mirants and the others jack up the price, what are consumers supposed to do for six years? Get down on their knees while the private companies jack up the price? Or, the other side of things, the government announced last week, much for the cameras—actually I think they made the announcement for Hydrozilla—that they were going to engage in some kind of immediate conservation plan. The reality of hydro electricity is that you can't implement some sort of immediate conservation plan. If you are going to have an effective, workable conservation plan, it has to be something that you implement over a period of time and that you work at consistently for a period of time.

So Hydrozilla really did quite enjoy this bogus, phony, public relations announcement by the government, where they drove up in a car fuelled by bacon fat as if to suggest to people that bacon fat was the answer to high electricity prices. You know, this government thinks a pork barrel will do many things. But a pork barrel will not get us out

of the privatized, deregulated hydro mess they've created.

1600

What do we need to do? I just want to lay it out here straight. The Liberals can flip-flop and the Conservatives can try to hide and cover up, but what we need to do is to get all the profit-takers, fee-takers and commission-takers out of the system. We need to recognize that hydro is a public necessity and should be provided on a not-for-profit basis across the province. That's what New Democrats would do. We would pass immediate legislation telling the Direct Energys who have been lying to people and manipulating people on the doorstep, "Get out of the province. We don't want you." I realize that would be some sacrifice to the Conservative Party, because Direct Energy has made a number of financial contributions to the Conservative Party. But I'm sorry, fellas, you just have to suffer. The needs of electricity consumers, the needs of the Ontario people come before your need for money—payola—from Direct Energy. So you get rid of the profit-takers.

The second thing we need to do is re-regulate the price so it is power-at-cost, not power-at-cost plus 40% profit or commission.

The third thing we need to do is stop privatization, stop selling off what are essential assets for the province, the most important economic assets for us in terms of the fundamental underpinning of the economy. Initially, the government tried to say, "The reason you have to sell off hydro is because hydro has a debt." Yes, hydro has a debt. The reason hydro has a debt is because Conservative governments that this crew doesn't want to think about, doesn't want to remember, had this deep love affair with nuclear power. They thought, in the late 1970s and early 1980s that nuclear plants would be cheap to build, would require no maintenance, and you didn't have to worry about storing the nuclear waste—that wasn't a problem—and you didn't have to worry about the cost of decommissioning the nuclear plants when they reached the end of their lifetime. That was the Conservative line then. So they started building a lot of nuclear plants.

Just as an illustration of where the debt comes from, the Conservatives in 1978-79, when they proposed Darlington, said, "It will cost less than \$5 billion." They said it would cost less than \$5 billion. In 1989, when it was finished, the final price was \$15 billion. I have to be very clear here. The Conservatives started Darlington; the Liberals, between 1985 and 1990 also got on the nuclear bandwagon.

Hon John R. Baird (Minister of Energy, Minister responsible for francophone affairs): Did you support them?

Mr Hampton: The Minister of Energy wants to know, what was the NDP position? We voted against it. We consistently voted against it.

Hon Mr Baird: You propped them up.

Mr Hampton: No, between 1985 and 1987 Darlington was actually discontinued. After the Liberals got a

majority government in 1987, then they started rebuilding it. I just want that to be clearly on the record.

The first thing we discovered is that the cost of nuclear power, of building it, was tens of billions of dollars more than they'd first anticipated. The second thing learned was that the cost of maintaining these nuclear plants on a year-to-year basis came to hundreds of millions of dollars in maintenance; they aren't maintenance-free. And now the bill starts to come home for storing the nuclear waste and for decommissioning those nuclear plants.

So who built up the debt at Ontario Hydro? None other than the same Conservative outfit that thought they had a fast answer then, the same Conservative government that now says to the people of Ontario, "We'll send you a \$75 rebate cheque. Just pretend that there's no problem out there. Just pretend that hydro prices didn't go through the roof. Just pretend that the IMO didn't tell people this summer there were six brownouts. Just pretend that the North American Electric Reliability Council isn't telling people that brownouts and blackouts this winter aren't a real risk in Ontario."

The government says you have to privatize because Ontario's hydro system has a debt. Here's the government solution: they stick the people of Ontario with the debt and then they turn the Hydro assets over to private companies that get to collect the profit.

It's like this, Speaker: imagine if you bought a new home and took out a \$100,000 mortgage, and then the Conservative government came to you and said, "Speaker, move out of your home. Let someone else live in it, but you continue to pay the debt." That's this government's answer with respect to hydro. They want to sell the assets so that British Energy and Brascan get to take the profit, but the people of Ontario get stuck with the debt. What an absurd scenario. People get it at both ends. They have to pay the higher cost of privatized hydro, but then they have to pay the debt that's left behind as well.

The government says that's a sound policy, but it's not. I just want to recite for government members the statements of the former—he's still the chair of Ontario Power Generation. He is the chair appointed by the Conservatives to Ontario Power Generation. His name is Bill Farlinger. In 1995 in the Hydro annual report he actually comes out and says that in fact, as a result of some of the changes that were made in 1992, 1993 and 1994, Hydro's debt is being paid down, that the pay-down of the debt is accelerating and will continue. Hydro's debt was actually being paid down. There is no magic answer in privatizing it, sticking the people with the debt and then the private owners with the profit.

I just want to point out something else. It's reported in the media that a number of the private, for-profit hydro companies across North America are having huge problems having their debt refinanced. This wonderful solution that the government proposed, that somehow privatizing answers all the questions, clearly isn't the answer. The private hydro companies—Duke Energy, Mirant—many of them are facing bankruptcy this year because they can't finance their debt.

Ms Shelley Martel (Nickel Belt): Look at British Energy.

Mr Hampton: British Energy comes to mind. It was supposed to be the answer for this government in terms of leasing out the Bruce nuclear facility. Now we find that British Energy is technically bankrupt. It's only being held afloat by an emergency loan from the British government.

New Democrats want to be very clear: hydroelectricity is an essential public service. It should not be privatized. It should not be put in the hands of foreign corporations. It needs to be publicly owned. It needs to provide hydro at cost, not at cost plus all the profit-takers and fee-takers this government has brought into the system. We need to focus overwhelmingly on a long-term conservation strategy, not just one that's done for the television cameras and for the benefit of hydro zealots; a long-term conservation strategy that looks at retrofitting buildings and homes that are not energy-efficient.

We need to look at retrofitting some of our power dams as well, because the turbines in many cases were built 30 and 40 years ago. More modern turbines will in fact increase the output of electricity at very little additional cost. We need to move on, as Manitoba and Quebec are, doing research and allocation programs for wind turbine energy, actually physically locating the sites and starting to build the plants.

This should be done publicly. It must be done on a non-profit basis so the people of Ontario will continue to enjoy environmentally responsible electricity, affordable electricity and a reliable supply of electricity, free of the profit-takers, fee-takers, commission-takers and parasites this government has brought into the system.

1610

Mr Steve Gilchrist (Scarborough East): I'm very pleased to have an opportunity to respond to the comments made by the Leader of the Opposition and to the opposition day motion.

I guess we breathed a sigh of relief when the Clerk was corrected. The original motion read that he wanted all the new generation in place to allow coal-fired plants to be shut down by 2001. Even for the NDP, the idea of sucking back all the pollution that has gone out in the last year would be a little obtuse and extreme, to say the least. But we're dealing here with probably as great a contradiction in one resolution as we have ever seen in all the years that my colleagues have been here in the Legislature.

In the same breath Mr Hampton suggests that we need to stop doing anything to bring competition to the marketplace, we have to stop attracting private money, private expertise, the most advanced technology that's in place in countries all around the world, and instead we want to go back to that hidebound monopoly that did such a masterful job of providing electricity that its greatest legacy is a \$38-billion debt. Three thousand dollars is owed by every man, woman and child in this province for the electricity that we used this past year, this past decade, in fact going all the way back to the late 1960s.

Mr Hampton suggests that there is an option out there to sell electricity at cost, that if we go back to the future, if we go back to that tired old model, that monopoly, the dinosaur that served Ontario so poorly for certainly the last 30 years, somehow we're going to have a panacea out here that there is going to be all sorts of new generation and new creativity.

That is not what we're seeing. The greatest contrast, and we haven't heard it from a single member of the NDP or of the Liberal Party for that matter, is the fact that the only significant asset that was owned by the old Ontario Hydro that has been leased or sold to the private sector is the reactors up near Kincardine, known as the Bruce nuclear facility. That facility has six reactors. Four of them are functioning; two of them are laid up. They are laid up as a result of the extraordinary lack of proper maintenance, the lack of discipline, a number of problems that under the old Ontario Hydro had rendered them not only uneconomical to operate, but in one case OPG definitively, in writing, said one of those reactors could never be made to work again. It had suffered an accident as a result of human negligence and it was absolutely a write-off.

You would ask yourself, why would any company, why would anyone in their right mind, put hundreds of millions of dollars to lease a facility if in fact all it boasted was reactors that could never work again? Well, by applying the same kind of technology that allowed them to upgrade many reactors over in Great Britain, the new lessee, British Energy, put their own money in, brought the new technology in, and at a fraction of what that great public utility Mr Hampton is trumpeting here today has spent down at Pickering. On budget, on schedule, those two reactors that have been laid up since 1997—yes, including the one that would never work again, according to OPG—will be operational this coming spring, the first one probably late spring, the second one a few weeks later in the early summer, adding in each case 769 megawatts of power, between them enough power to supply the needs of almost half the city of Toronto.

It gets better than that. This resolution suggests that only by giving more money, going back to the monopoly of Ontario Hydro, making sure no one else ever darkens our door who might have a new or better way to bring efficiencies to the generation of electricity—Mr Hampton should be challenged by the reality that if he went to Sarnia, if he actually took that diesel-powered bus in which he's been touring the province, trying to whip people into a frenzy about the state of electricity in this province—driving, I might again suggest, a vehicle with the dirtiest form of motive fuels that are used in this country, again a contradiction if ever there was one.

If in fact he'd headed over toward Sarnia, he would have seen that the TransAlta natural gas cogeneration facility is already up and running, undergoing its trial tests. It's going to come on-line, fully, early in the new year: another 490 megawatts of power.

Down near Brighton Beach, you'd find that ATCO, in a partnership with Ontario Power Generation—but you

can guess who's coming up with the money and the drive—they've got another natural gas facility that will be up and running one year later: another 578 megawatts of power.

I've got to tell you that any one of these new operations would have given enough breathing room this past summer to have reduced our reliance on foreign—including the province of Quebec—sources of electricity to something in the neighbourhood of only 26 days this entire year. You would have seen far greater price stability, and that's what we had always expected when the original date for the opening of the marketplace was selected well back in 2001.

Unfortunately, the commitments made to us, again by the publicly owned utility, as to when the reactors in Pickering would come on-line proved to be, to be kind, less than accurate.

The minister has responded by laying down the law with OPG and suggesting that an external review is going to be applied to find out precisely why, in stark contrast to the private sector, in stark contrast to the extraordinary success that is the operation of the Bruce nuclear facility, Pickering continues to miss its deadlines and continues to see taxpayers' money going down into a black hole, a black hole that was supposed to have been filled after \$1.1 billion and now we're told might gobble up two and a half times that.

Oh, I left something else out that really should be on the record when we're talking about the difference between the private operations and the publicly owned operations of nuclear reactors in this province. In that same barely two-year period that British Energy has been operating those nuclear facilities up in Kincardine, they have taken that entire complex, and working in partnership with the Power Workers' Union, one of the shareholders in the company, active participants in the crusade to bring private sector involvement into electricity generation in this province, together they have taken that facility and have now made it the most efficient Candu nuclear reactor anywhere in the world—in the entire world. That means that of the publicly owned electricity operators in Argentina, in India, in Romania, in South Korea, in New Brunswick, and yes, here in the province of Ontario, not one of them is able to get as much power out of a Candu reactor as the one private sector operator is doing up at Bruce.

I don't know why the facts continue to be lost on the NDP and, for that matter, the official opposition. Because you know, this is called opposition day, and I know the author of this resolution happens to be from one of the two opposition parties. But I was struck by the most recent flip-flop in the Liberal electricity policy.

1620

I'm sure you heard yesterday, Mr Speaker, that anyone going on the Liberal Party Web site would have just seen a little note saying, "Comin' soon. We had an energy policy up until yesterday, but unfortunately our leader went out into the scrum and managed to fit both feet into his mouth at the same time." And scant minutes—

minutes—after standing in his place, not once or twice, but eight or nine times, with questions and supplementary questions and castigating the government for putting in place a price cap and suggesting it was unworkable, and damning the government for proceeding with certain aspects but changing other aspects of the original vision we had in the marketplace based on the supply we thought would be there, Mr McGuinty took a couple of steps outside this chamber and proceeded to take diametrically opposed positions on the very questions he was posing in this chamber. I don't think the electorate is so blind that it won't notice such a stark contrast. If that wasn't bad enough, they patched things up today. If you go on the Liberal Web site, you'll find they have an electricity policy. Again, you have to be somewhat tolerant, because this has been cobbled together in less than 24 hours. I know one of their members suggested our policy was written on the back of an envelope. I would think theirs has been scribbled out on the back of one of the Orders and Notices motions here in the time it took somebody to run upstairs to their Web master after listening to Mr McGuinty's scrum.

When you go through this, it's really quite staggering. In the one breath they say they're going to keep the caps in place, and unlike the very specific recommendations our government has now made to promote green power, to get people committed to investments in wind, solar, biomass and geothermal—not airy-fairy speculation but tax incentives, tough new product standards, inducements to buy energy-efficient equipment—the Liberal Party has said, "We absolutely believe everything else the Tories are saying is good. We'd put the price caps on there and take time to review things." They even have, I think, a fairly glowing testimonial to the changes we've made to encourage green power. To give them credit, they don't suggest this is an original thought on their part.

But I think you've got to be struck by one section in particular. Without in any way coming up with concrete, specific suggestions—they don't say what taxes they'll cut, they don't say what technology they will promote—they're going to take 20% of all the electricity supply out of the marketplace less than one year, in fact seven months, after the price caps are removed, and somehow they think the prices are going to remain the same. I don't know how long members of the Liberal Party have been shopping for various products, but I would think it's fair to suggest that any time the demand stays the same and all of a sudden 20% of the supply in the marketplace is withdrawn, even they know that prices will go up, and not by a little bit.

Mr Hampton, in a question earlier today, tried to make it sound like a bad thing that the North American Electricity Reliability Council, which is a group composed of the utilities, large users, the federal regulators for electricity in the United States and many of the provincial regulators, has suggested there will be fully a 10% surplus in the amount of power available here in Ontario over the coming winter. He suggested 10% isn't good enough. If I had another hour, we could go into great

detail about why traditionally the margin has been more like 2% or 3% and going to 10% is an extraordinary step forward, and that too does not recognize all those other facilities that I suggested would be opening by the springtime and early summer.

At the same time he's suggesting that 10% isn't good enough, we've got the Liberal Party suggesting they can take 20% like that—like that—out of the available supply to consumers and small businesses across Ontario and it won't do anything to drive up the price.

I will say to my colleagues in both parties that I will be opposing this resolution, not because it doesn't have some elements—again, the NDP goes on to flatter us. Remember this was tabled this week; that is, a full week after the government already announced what we're doing for clean, green power, already announced what we're doing to promote energy conservation, already announced that we're shutting down all the coal plants by 2015 but in the interim are going to be encouraging green power and, as we get more green power, obviously we'll need less coal power.

I don't want to suggest there aren't some elements, but it is absolutely ridiculous to suggest that the balance of this resolution has any merit. It is the private sector that has demonstrated the only efficiencies and effectiveness in rehabilitating reactors. They have demonstrated the greatest efficiency in operating reactors that were already up and running. They have demonstrated a willingness to make investments here in Ontario. I can tell you that this past week, after our announcements of the tax incentives, the wind and water power associations in particular have identified over 2,000 megawatts of new development that will be coming forward, that will be adding to supply, that will be driving down prices, that will be guaranteeing that we have cleaner electricity generation than has ever occurred in this province or that certainly hasn't occurred since the 1950s, when we started coal plants and, latterly, oil and natural gas plants.

There is a vision that takes Ontario to adequate supply, to clean air, to choices, to competition, that will always moderate and drive down prices. Only the government has offered that plan with any specific details.

The members opposite each had five years to bring their vision of how electricity could be generated better, cleaner and with greater supply in this province, and both failed miserably. Both allowed the debt of Hydro to reach astronomical proportions. Both allowed the air to get dirtier under the watches of Mr Bradley and Ms Churley. In both cases, we increased our use of coal.

This government has drawn a line in the sand. We were the first party to announce the closure of any coal plant. We are still the only party that has supplied any specificity, that has supplied any detail, that has told people how we're going to get from here to there.

So forget glib resolutions that try and cover all the bases, and forget the flip-flopping we are seeing from the official opposition. People can trust that the vision Premier Eves has brought to the table this past week is the one that is going to take us to a stable, secure, clean and adequate supply of electricity for decades to come.

Mr James J. Bradley (St Catharines): I find it most amusing to watch a lecture by a member of the government about flip-flopping on anything after the colossal flip-flop I saw by this government last week. I actually predicted it.

People were saying, "What do you think they're going to do?" I say to my good friend Mr Turnbull I said, "Don't be surprised if it's a 180-degree turn."

They said, "No, it can't be. It's a Conservative government. They have extolled the virtues of the wide open market of deregulation, of all kinds of privatization. They wanted to sell off Hydro One. They wanted to sell off OPG."

I said, "No, do not be surprised. You will see a complete reversal."

So when I hear a lecture from the government side about flip-flopping, I say to my friend from Oxford, I saw them out there, bringing in a trampoline for the Premier so he could do his flip-flop in Mississauga. There was a trampoline just outside that house he went to in Mississauga and was reading the teleprompter as to what he was going to say.

So there are no lectures. You could say a lot of things, if you want, but the last thing we need from government members today is a lecture on flip-flopping on anything. We saw, as one person said, the government go from right-wing idealogues to almost socialists on the other hand. It must make some of the government members shudder to think of this.

People asked me, "Do you think they'll put a price cap on?" I said, "Sure they will."

They said, "No, they won't, because they'll know that the wholesale price is going to be much higher than the retail price."

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): What are you going to do?

Mr Bradley: I'm just telling you what I said was going to happen.

I said, "There'll price caps and they'll be rolling out the rebates. I don't think it'll have anything to do with an upcoming election at all. I don't think their timing will be anything to do with an election, surely."

Mr Marcel Beaubien (Lambton-Kent-Middlesex): Are you running again?

Mr Bradley: The member from Lambton says it probably is going to be and so I suspect that's what's going to happen.

I was listening to your favourite radio station, I say to my friend from Don Valley West. You can guess which station that was—government radio, as some people say—CFRB. They were talking about flip-flops. I was going to call in and try to sound like Chris Stockwell phoning in, with his voice, but I couldn't quite match it, to tell them, "Had you missed something? Had you not seen the action in Mississauga on that particular day?" So I find it amusing. Everybody's got all these quotes that are rather interesting to read back to one another, but all I say is: please, no lectures from the other side after the

mammoth flip-flop that Premier Eves initiated on behalf of the government on this issue. I think what it points out is how complicated the issue is and how governments can do a major change in policy almost overnight.

1630

I should tell some of my friends on the government side that I was down to the edge of the Niagara River again. I've been down there many times to extol the virtues of proceeding with more generation at Niagara Falls, a project we call Beck 3. Every time I mention it to any of the government members they said: "Well, of course, it can't be done because it costs too much." I think even the former energy minister must have said that at some time or other. He denies it, but I think it's just that his recollection is fading a bit in these days of Kyoto.

I wanted to mention that Dalton McGuinty and I were down at the Niagara River again asking that the government proceed with Beck 3. That was just a few weeks ago that we were down there. The government members were saying: "Well, this is not possible." My good friend Steve Gilchrist, member for Scarborough East, said the following: "Beck 3 was stopped for a very good reason." He said that on September 30, 2002. Back in September they were arguing that, "Ontario Power Generation can't deliver Beck 3 without having its power costs more than 4.5 cents a kilowatt hour. If the competitive market keeps the price of power below that, Beck 3 would inflict a 20- or 40-year legacy of loss on taxpayers." That's again Steve Gilchrist, September 30.

So what I wondered was how on earth I could go down to Niagara Falls, where the Maid of the Mist launching pad is, and see the Minister of Energy announcing Beck 3, which his own members had denounced just a few weeks before. Well, what had happened was, panic had set in on the government benches. Some of the smart political operators—I'm sure my friend from Etobicoke Centre would be one of those because, if anything else, he's a smart political operator. I don't know about environment minister, but he's a smart political operator. He would have been counselling, along with some of the others, "It's time we turned this train around and headed in the opposite direction." And so they did. Even on Beck 3, which they were denouncing a few weeks before, they changed their minds. They were saying all this stuff about energy conservation—"It's not going to work." I think the members of the select committee might have thought it would, but some of the others were dismissing it out of hand. All of a sudden, the next week we have this announcement in Mississauga and rolled out over the next few days about government energy conservation, alternative fuels, and five or six other things. What we find out of course is that the government, in full panic mode, changed its policy completely.

Now, you say, what has to happen out there? I watched them follow the pattern of, first of all, Walkerton. They blamed the NDP. Some of my colleagues might join in that, but the government blamed the NDP. They said: "They're at fault for it." Then they blamed

Floyd Laughren, who was the Chair of the Ontario Energy Board. Everybody knows that the government of Ontario dictates the conditions under which the Chair of the energy board works. The energy board doesn't have much flexibility. It works under the mandate that is set up by this government. They appoint everybody to the energy board. Then they blame the local utilities for raising the prices. They were looking for everybody to blame, when in fact their own backbenchers were saying that the government was to blame. That's why we saw this complete reversal on the part of the government.

Well, there's only one option that's going to be left in the foreseeable future, and that is, like them or not, the major player is going to be what I still call Ontario Hydro. Heaven knows, anybody who has sat in government, particularly in a cabinet position in the past, knows the record of Ontario Hydro when it comes to the environment, when it comes to the cost of producing electricity and so on, and when it comes to providing—shall I be kind and say "complete"—information to members of cabinet, to Premiers and to members of the Legislature, because not all the information was complete or, again, I'll use the word "accurate" because we can't use other terminology in this House. So we are stuck with that. When the government made this major change last week, it really leaves no alternative but to move in that direction.

Does that mean that we can't have some green energy companies come on-line? I hope not, because we—and the Chair of the select committee on alternative fuels is in the House. He would remember some of these non-profit, green-energy-type companies that wanted to get some juice on the grid.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): NUGs.

Mr Bradley: "NUGs" is the terminology used: non-utility generating systems. I think that's what that stands for. Also I think there's going to be a place for cogeneration obviously coming up as well. So there are many ideas. I think conservation is going to be exceedingly important now.

One of the things we talked about on our select committee on alternative fuels was dealing with demand. I know some people who are skeptical about environmental things tend to discredit efforts at energy conservation. I see the Minister of the Environment trying to write a message on there. I know he can't hold it up because that would be against the rules, but the message is about that. Yes, and I want to say he is a person who, if he had his way, obviously would be burning coal from now until the end of this century. However, we know that he has promised to close one plant, which we will have closed—that is, the plant just outside the city of Toronto.

The government did everything it could to thwart any plans to close the plants by 2007—not with your government, because you're not going to make those plans—but you will see a major change in attitude: a massive conservation program; alternative fuels being provided; natural gas being provided for electricity out there and all

of the other fuels that my friend the Chair of the select committee on alternative fuels knows exist. If that one machine works that will retain electricity and not lose that electricity, we could be in very good shape indeed.

Someone in the whip's office will tell me when I'm supposed to sit down in this regard. Is it yet?

Mr David Caplan (Don Valley East): No, you've got a minute and a half.

Mr Bradley: I have a minute and a half yet to extol the virtues of our committee, because we're together on that.

I believe that, for instance, wind turbines are going to be very viable. I believe that we're going to see solar power in this province. I believe that we can use a taxing mechanism which will help to bring this on. We recommended that as a committee. I believe we don't have to increase the rates by some 40%, as happened under the previous government. I believe that we should be renegotiating those contracts with the province of Alberta, contracts which were terminated by the Rae administration, because I think those contracts which were at very favourable prices with hydroelectric were good. I think the transmission lines to both the province of Quebec and the province of Manitoba are going to be an important component of what we are doing.

What we have witnessed is a complete reversal on the part of the government, which has changed all the rules of the game completely. We now must proceed, whether we like it or not, putting most of our eggs in the basket of Ontario Hydro. It's going to need much more supervision, very careful supervision and direction, if we're not to have those huge wastes of money taking place, if we're not to see the continued pollution that exists in Ontario, and if we're not to see these grandiose plans, again, not coming to fruition but still costing the province a lot of money.

I think this resolution points generally in that particular direction, and for that reason I believe it probably commends itself to the support of the members of this House.

Ms Martel: It's a pleasure for me to participate in the debate today, obviously because it's our opposition day motion and I'm supportive of it, but I really do believe that electricity—the price of, the supply of—is really top of mind for consumers these days. So it's quite appropriate that we are, as New Democrats, using our opposition day to highlight once again our ongoing commitment to public power at cost, which has been our commitment from the day this government brought in Bill 35, and we have not wavered in our position from that.

It's also very important that we put out some of the alternatives and other things we need to do in an electricity system that is managed in a non-profit way. I think that the opposition day motion my leader has outlined speaks to some very important issues. I know he spent some good time outlining them, so I will not go over all of them in detail.

1640

Where I want to start from is the announcement made by the government on November 11. As I listened to

some of the details trickle out on CBC as I was driving down from my last Remembrance Day service, I thought to myself, "If there was ever a reason to abandon hydro privatization and deregulation, it came with Monday's announcement." If there was ever an admission by this government that the dirty deal of hydro privatization and deregulation hasn't worked in Ontario, it came with the announcement on November 11.

It hasn't worked just in Ontario—and that is clear—it hasn't worked in Alberta, it hasn't worked in California, it hasn't worked in Montana, it hasn't worked in the UK. Why did the Conservative Party think it was going to work here? The problem is that the Conservative Party was so busy trying to kowtow to some of its major financiers of election campaigns that it was quite prepared to put our supply at risk and see consumers gouged with high energy prices. It is only because of the crisis that finally erupted in this province with respect to the high hydro bills consumers and small businesses were receiving that this government finally had to intervene.

Isn't it interesting? Here's a government intervening in a massive way in a system that they said needed to be competitive. I was at more than one of the public hearings on Bill 35, the government bill that led to this fiasco of hydro privatization and deregulation. I was there when the parliamentary assistant, Ms Johns, repeated over and over that competition in the electricity marketplace was going to lead to lower rates—lower rates—for consumers and small businesses. She said it time and again at those public hearings.

At every opportunity we had at those public hearings on Bill 35, our party—Mr Lessard, who was the critic at the time—moved a motion to say the government should then incorporate that into the law. If the government was so confident that privatization and deregulation of hydro was going to lead to lower rates, then put that right into the legislation. Well, of course, the government didn't do that, and the chickens have come home to roost. We have not seen lower hydro rates for residential consumers, farmers, hospitals, schools, colleges, universities, small business or big business. On the contrary, we have seen those people, those organizations, those companies gouged because of hydro privatization and deregulation.

Under this scheme, as my leader pointed out, everyone has a hand in picking the pockets of consumers. The folks out there like Direct Energy, with misleading information, other utilities that are now trying to make a profit because they've been told by this government that's what they should be doing—some of those energy companies are quite happy to take their power off-line during the summer, under the guise of maintenance or anything else so that those prices can be driven up, and we saw that happen this summer. All those people, all those Enrons, have been in the mix. All of them, because of their intervention in what is now a privatized, deregulated system, have driven prices up to the extremes we saw, which finally forced this government to intervene.

If competition was working so well, why did this government have to intervene in the way they did on

November 11? If hydro privatization and deregulation was the mecca and the answer for Ontario, how come the government was intervening in the way it did on November 11?

The answer to that question is that hydro privatization and deregulation is not working, and the best thing this government could do is admit it now, end the dirty deal now and return to a system of public power in Ontario so that the needs of consumers and farmers and businesses could appropriately be served.

I know the government is hoping that the rebate scheme they announced and the cap on prices to individual consumers are going to be enough to buy them the next election. I know that's what they're hoping, because that's what the Alberta government did under Ralph Klein, when just before the election Alberta consumers had been gouged in the same unfortunate and regrettable way. Ralph Klein, who was, oh, so interested in winning the election, spent 2.3 billion taxpayer dollars to try and bribe Alberta consumers, \$2.3 billion in a province whose population is far less than Ontario's. How much do you think it's going to cost for the government to try the pre-election bribe here? How much, Speaker?

It's interesting. We asked the question of the Minister of Energy on Monday: how much is this rebate system going to cost? The Minister of Energy, who is here today, didn't have an answer. He said, "We have a four-year plan, and we believe we will be able to manage it." Well, I would like to know what the costs are going to be. I think the public has a right to know what it's going to cost them for this government to try to implement a rebate scheme.

Not only would I like to know that, because I think the public should know that, but I think if that became a public matter, the hue and cry from the public would be even greater and the call to end the dirty deal would be even greater.

I was at a number of my post offices last week with our new leaflet on NDP support for public power, and I was talking to a number of people after the announcement on November 11. What was interesting was that two of the three people I spoke to, in two of the three different communities I was in, were the very people whose cases I had raised in the Legislature just the week before to show how they were being gouged under a deregulated, private scheme.

Bill Hedderson of Levack had seen his September hydro bill this year rise 36.3% in comparison to his bill last September. The other person, Cindy Bond of Capreol, had seen her family's September hydro bill rise 62% in comparison to the bill from the September before. The one person I didn't see whose case I raised was the person who had the highest increase, Benoit St Amour of Val Therese, who last October paid \$75.05 for his hydro bill and this October paid \$408.13 for his hydro bill, a 543% increase.

So I raised those cases, and there I was at the post office in Capreol and Ms Cindy Bond came up to say hello and thank me for raising her case. She said, "You

know what? This government's rebate scheme, I'm not fooled by that. I know that I'm going to pay for that. I'm going to pay for that through my taxes or I'm going to pay for it through my property taxes. That's money I've been gouged out of, and the government's giving money back that I should have in my pocket already, that I shouldn't have had to put out on a hydro bill." She wasn't fooled.

Then I was up in Levack on Thursday, and I ran into Bill Hedderson. I thanked him again for allowing me to use his case, and he said, "No problem. Continue to use it in every way, shape or form you may need to. And by the way, I don't buy the government line about a rebate. I'm not going to be bought off by this government. The money for that rebate has to come from somewhere. That's going to come out of my taxes, and I'd like to know how much money is going to come out of my taxes to pay for that rebate."

1650

So I don't think people are fooled. I think this government has a huge problem. They're trying to do what Klein did in Alberta, but people saw what Klein did in Alberta. As soon as he was elected, the price caps came off, the rebates went away, and people's hydro bills were jacked up one more time, and people know that's what is going to happen in this province; that's what this government is trying to do. That's why this government is so interested in getting these cheques in the mail before Christmas, if they can. That's exactly what they're going to try to do: a little pre-Christmas gift in the mail of \$75 that sure isn't going to go anywhere for most of these people, and then call an election soon after, "so that we never have to disclose the price of those rebates and we don't really have to implement it after all."

What has also been very interesting is the Liberal flip-flop, flip-flop position. I've got to tell you that the reason I like this leaflet is that we say very clearly, "Don't be fooled by the Liberals. They're with the Conservatives. They support hydro privatization and deregulation too." We've got the quote from October 31, 2001, where the Libs said, "Dalton and the Ontario Liberals have been consistent supporters of the move to an open electricity market in Ontario," or when Dalton McGuinty said to the Toronto Globe and Mail on December 13, 2001, "Rates may very well have to go up. We've been getting a free ride here in Ontario."

I don't know what their position is today. I was listening really carefully, but I don't think the public is going to be fooled by the Liberal flip-flop on this either.

Hon Mr Baird: I am pleased to participate in this debate from my friends in the New Democratic Party. They don't like competition in electricity generation. They said that when they voted against Bill 35 back in 1988; they said that in virtually every part of the province, when the committee on Bill 35 travelled the province. They've always been against competition in generation. I have a begrudging respect for that.

On November 11, I had the privilege of attending Remembrance Day services in Nepean-Carleton. I'd

attended the weekend before that, on the 9th and 10th, services in Vernon, in Kenmore and in Osgoode village, and I attended events in Nepean and Manotick. I went to get on the plane to make a late afternoon announcement with Premier Eves, and do you know whom I ran into at the Ottawa airport? I ran into Dalton McGuinty, and I wondered why Dalton was going back to Toronto. Dalton and I met as we were getting on the plane and I said, "Dalton, I hope you'll support my policy that we're going to announce today. You're a fellow Ottawa member. Your riding is right next to mine," and I never could have imagined that Dalton would. I've always brought in a lot of policies but Dalton has never agreed with any of them, but we finally found a policy that Dalton has embraced.

I was on the Liberal Web site. On Monday they had one policy which said they were consistent supporters of a move to an open wholesale market in generation. By Monday afternoon—this is the Liberal Web site—it said, "Energy. Update coming soon." We found this out before we heard about the scrum. Dalton McGuinty had a scrum outside this place which one journalist called a "melt-down," called it "the worst scrum of his life." Well, I haven't seen many of his scrums. But now the Liberals have a new policy. They've just updated the Web site and the first thing they talk is, "Price caps will stay in place." I want to thank Dalton McGuinty and the Ontario Liberal Party for supporting the Eves-Baird plan to provide relief to consumers. Not only is—

Hon David Young (Attorney General, minister responsible for native affairs): Better late than never.

Hon Mr Baird: "Better late than never," the Attorney General says. Not only has Dalton McGuinty endorsed my plan, I wanted to congratulate him, to thank him for endorsing our plan to provide relief to consumers, to working families, to small business and to farms. I wanted to thank him but I haven't seen him, Speaker. He's gone missing in action.

Hon Doug Galt (Minister without Portfolio): We're looking for him.

Hon Mr Baird: We're looking for him. If you're watching at home, if you're in the Liberal research office, where is Dalton? He has not been seen around Queen's Park; he has not faced the music with the media or with the government. We hope Dalton will come back tomorrow, because normally the leader of Her Majesty's official opposition wants to be here when the Premier of Ontario is attending question period. They normally choose to attend that day so they can go after their direct critic.

I say to the Attorney General that he should return my—if he touches it, I'll get him.

So Dalton has disappeared. He cannot be far. I wanted to congratulate him and thank him for supporting my policy but he has disappeared. Call him.

Ms Martel: He always has supported your policy. Come on.

Hon Mr Baird: No. He supports my price caps. I fear, though, the worst for Dalton McGuinty. I fear the NDP

Hydrozilla has eaten Dalton McGuinty, because he has changed his mind again. When he said on November 18 that Dalton McGuinty and the Ontario Liberal Party now were against deregulation, were against a competitive market, the Liberals were also busy on November 18. Do you know what they were doing? They were sending out Liberal fundraising letters. The Ontario Liberal Fund, on the same day that Dalton McGuinty made his policy change, sent out a letter looking for money to the energy sector, where he was trolling for bucks on Bay Street. He said, "We've seen flip-flops, knee-jerk 'solutions' and apparent disregard for the grim consequences" of their actions. This is what the Liberal fundraiser said. This, when he had on the Web site that day, "Update coming soon," on the Liberal policy. But it gets better, I say to the associate.

Ms Martel: How much money do they want?

Hon Mr Baird: Just a minute. It says, "With Dalton McGuinty's Liberals, we'll get the plan Ontario needs," and—this is the part I like—they'll have "the leadership to stick to" the plan. This isn't the fundraising letter that they sent out last year; this is the fundraising letter they sent out on the very day that Dalton McGuinty and the Ontario Liberals changed their policy. I thought, "Were they asking for the \$350 that they asked in the previous fundraising letter they put out?" No: "I urge you to contribute today"—\$7,500. I think the honourable thing to do is that the poor schmucks in the energy sector who sent in \$7,500 should get their money back. That would be the right thing to do.

They send out other fundraising letters. They do a lot of fundraising.

Ms Martel: What about the \$5,000? There's more.

Hon Mr Baird: There's more. Oh, you're right. I say thank you to the member for Nickel Belt. Big help. If you're mad about Ernie Eves providing some relief to families and you're in the energy sector, you can do \$7,500 to the Liberal Fund, but you can also send \$5,000 to individual riding associations—an extra \$51,000—which is most interesting. And this isn't the first time the Liberals have gone trolling for bucks on Bay Street. On October 31 last year, Halloween, they sent out a letter to the energy stakeholders. And you know what they said in that letter? They said, "Throughout Ontario's electricity restructuring process, Dalton and the Ontario Liberals have been consistent supporters of the move to an open electricity market in Ontario. Tickets are \$350." So when they had the same policy as the government, they wanted \$350. When they didn't like my price caps, they wanted \$7,500. I want to know—we're going to give rebates. Ernie Eves wants to send rebates out to consumers right across the province to help them pay their hydro bills and provide some relief to them in the future. The rebates for Dalton McGuinty's energy fundraiser, the tax credits, they should be returned. I think if Dalton McGuinty wants to do the right thing, he will send back the \$350 to all these people.

And who was the letter signed by? It was signed by Sean Conway, the MPP, the Liberal critic for energy. He

hasn't asked any questions lately, this week. I suspect he's embarrassed by the policy, because I know—if there's been a sighting of Dalton, please call us and let us know. We're still looking for Dalton.

The Toronto Star said:

"Let's See Liberals' Plan...."

"Here's what their electricity plan says: 'We will create a genuinely competitive power generation environment that will include a mix of electricity providers—public and private, large and small, and those providing green power. Genuine competition and strong regulation will ensure sufficient power supply and is the only way to lower rates.'"

This was on the Web site on Monday morning. But they changed their mind.

Interjection: Again?

Hon Mr Baird: They've changed their mind again and it's quite remarkable. But this isn't the first time this has happened. Last December, McGuinty said, in a scrum on December 12, "I think it's important that we move ahead with competition both in terms of generation and in terms of the transmission." I don't know how the heck you get competition in transmission. Are you going to have two sets of competing transmission towers go across the province of Ontario? But that was part of Dalton McGuinty's plan. What did Sean Conway say? "Let me be clear, we need a competitive marketplace." I guess they've changed their minds, which is usual, for a Liberal to change his mind this often.

1700

On October 28, Michael Bryant said, "The only way we're going to get more made-in-Ontario electricity is to permit the private sector to come in and build made-in-Ontario electricity." Well, that's gone, because Dalton McGuinty doesn't agree with Michael Bryant any more. We're not going to have the private sector building electricity in Ontario.

Let's just enumerate this: Dalton McGuinty said on Monday he wasn't going to guarantee that he was going to close the coal-fired generating stations; now he's saying he is, on his new Web site. The promised update arrived. Now he's saying he'll continue to close down all of the coal-fired plants by 2007 but he's not going to have any private sector generation being built in the province. He says none will be built now and he won't have any built when he gets elected. That means \$6 billion or \$7 billion of new infrastructure in debt in Ontario. So under Dalton McGuinty, the debt of Ontario Hydro will go up from \$38 billion to \$45 billion. Most interesting. I don't know what that will do to natural gas prices, because if we close one coal plant alone, that would use 24 billion cubic metres of natural gas. I'd like to be in the natural gas business if he does that; the private sector natural gas producers will make big bucks because the prices will soar.

I know another person who's going to be disappointed about Dalton McGuinty's announcement: my good friend Marie Bountrogianni. She said recently, "We on this side of the House are not against competition, particularly in

green energy. We know that in some areas of the province you wouldn't have energy if it wasn't for privatization." I guess the green energy is gone, because Dalton McGuinty has changed his mind again.

What else did Dalton McGuinty say? "The responsible thing to do would be to bring the private sector in with the public sector and say, 'Look, folks, we're going to have to work together here in this place where there is real competition and tough regulations to make sure we have a sufficient amount of electricity.'" When was this said? This was said after the announcement of November 11. So once the world changed, Dalton McGuinty was still supporting his old policy, which is most interesting.

I wish Dalton McGuinty was here to defend himself, but he's gone missing. He's AWOL.

Hon Mr Turnbull: He's in a cave in Tora Bora.

Hon Mr Baird: He's in a cave in Tora Bora. I think the lizard, Hydrozilla, will find him. I was actually hoping the Liberal leader would stick to his position for once, because I was hoping the Hydrozilla would chase him around. But there's no justice in that.

What did Dalton McGuinty say about rate relief? "I'm saying today that I'm guaranteeing that we're going to leave this particular package in place." That's good. He said that we couldn't pay for our program, but several bond rating agencies have said that the plan is manageable. Dalton McGuinty says it will require billions to be borrowed, but he'll support it, which is rather interesting.

So we have a rather interesting scenario in the province of Ontario. I hope there will be a sighting of Dalton McGuinty by 6 o'clock, because I want to know whether he's changed his mind again and whether he'll vote for this.

Hon Mr Galt: Do you think he'll be here for the 6 o'clock vote?

Hon Mr Baird: Do I think he'll be here for the 6 o'clock vote? I don't know. If anyone in Mr McGuinty's office is watching, could you get him here for the 6 o'clock vote? I'll be wanting to see if the member for Renfrew North comes because I want to see what he thinks, as I listened very attentively to him during the Bill 35 committees. He was a very passionate spokesman and knows a lot about this issue.

On the issue of the rebates, we hope we can have a debate about that, because I think there would be a lot of value in that. There was a lot of discussion about what the rebate should be; there was media speculation as to what it would be. Dalton McGuinty himself was asked on Thursday, November 7, "What do you think it should be? How much do you think the rebate should be?" Now, he's the leader of Her Majesty's official opposition, once again riding at 50% in the polls, given a \$4-million budget for research to help him do his job, and to "How much should the rebate be?" he said, "Well, I don't know. 'I mean, you know. I think you know.'" "No, I don't know." Then it was asked again, "What would make enough of a difference to people?" Do you know what he said? "I don't know. I honestly don't know."

Well, you've got to know. Working families in Ontario, small business people, farm operators and the

hospitality industry want to know. We've said we'll refund the difference back to 4.3 cents from May 1 and provide some stability to deal with the bumps along the road. But on this side of the House we still believe in an open competitive market on the generation side. We've always been very consistent in that.

What else did Dalton McGuinty say? "Rates may very well have to go up." He's changed his mind again. He said that on December 13, 2001—most interesting.

Another time, on June 1, he said, "I've been very consistent with respect to Hydro One. I think it should be left in public hands. I've been very consistent with respect to generation. There should be competition." This is what the guy says: "I have been very consistent"—like he's hectoring anyone else for changing the position. I don't think he should hector anyone else about changing his position.

I hope the APB we put out on Dalton McGuinty works and he'll show up for the vote at 6 o'clock, because I want to know where he stands.

Mr Mike Colle (Eglinton-Lawrence): People all over, certainly in my riding and I think the province of Ontario, have taken this issue of their hydro bills very seriously. It's no wonder we're in the mess we're in when we see the Minister of Energy, the member for Nepean-Carleton, make a big joke of the thing as he's been doing from day one. He thinks this is funny. He thinks this thing is one big laugh as he's laughing, walking around the room. He doesn't have any appreciation or sensitivity for the mess they've created, the anxiety they've caused in people's homes.

The people have come to our MPPs' offices asking for help on how they pay their bill and are afraid they're going to be evicted out of their apartments, out of their homes, and they've got a Minister of Energy who clowns around about this type of thing. He has the audacity to clown around and spend all this time making jokes when they have upset the most important asset we have in this province next to health care and education, and that is our hydro.

He, his party members and Mr Eves have made such a farce of this thing from day one, where they did this on the back of a napkin. The Minister of Energy, the member from Nepean-Carleton, has the nerve to stand up in this House on this date to still make jokes about it when they have fouled up a most important thing to the people of Ontario as no one has ever fouled up something before. It's like a group of cowboys, from day to day, from hour to hour, playing with this thing. Now you see, if you just heard this member, the Minister of Energy, stand up like a teenager in this room making jokes about the damage they've done to hydro, damage they've done to people's lives and this reckless journey they've brought us on because they didn't take this seriously.

The Minister of Energy has never taken it seriously—he's still smiling now—because he doesn't appreciate the fact that people have to work and save to pay things like hydro bills. I don't think he's ever paid a hydro bill in his life, I'd bet. We knew he could never read one. He didn't

know how to read one. That's why he thinks it's a big joke. He thinks it's a big joke to see hospitals and institutions unable to pay their bills because of this reckless, just total amateur hour they've taken us down in the last months since May or before when they never planned any of this. They didn't really know where they were going.

1710

Premier Ernie Eves came in and from day to day he changed his policy. Talk about changing and flip-flopping. The Minister of Energy and Mr Eves should get the gold medal for what they've done, and they're supposed to be the government, who have hundreds of lawyers and researchers at their disposal. They've hired people to advise them, spin doctors, and they have fouled this up and made such a mess of this file, Ontario Hydro, which affects the lives of so many Ontarians, and they joke about it. That's what we've seen. To this party, the Conservative Party, and to Mr Eves, this whole thing is a joke. They treat it that way, and the people of Ontario suffer because we've got a juvenile in charge of the Ministry of Energy who thinks it's more important to make fun of things than find solutions. Well, he'd better start growing up, get the smirk off his face and get down to work and fix this mess you created and the millions and billions you're wasting because you think this is one big joke. I'll tell you, Minister of Energy: you're the joke who keeps treating this like some kind of prank when you're dealing with people's livelihoods. You have caused so much grief in this province that you couldn't measure it, and you have the audacity to start pointing fingers and blaming others when you won't come up with solutions.

You said you had the solution last Monday. Here we are, into the next week, and still no legislation. Where's this plan that all your high-paid consultants, your hundreds of staff people in your ministry, in the Premier's office—how could you have screwed this up so badly? Tell us that. Do you know why you did? Because you took this as some kind of juvenile prank, and that's how you've treated it. You've treated it not as a serious issue, which we've seen from our residents—we've seen people come to the office saying, "I cannot pay this hydro bill. It's more than I bring in. My pension is only \$9,000 a year. I've got to pay rent; I've got to pay groceries. This bill is going to basically mean I either turn off my lights and my heat or I have to go without food."

This was not a rare occurrence. If you ask your own members, they will tell you this was coming to their doors, day in and day out. The Minister of Energy has the gall to consider what he did to them a joke. That's what he's saying. It's one big joke to him. I'll tell you, it's no big joke to put people through what they went through in the last number of months. With his record on this file for the last number of months, can you imagine what he's going to put us through for the next number of months as he tries to clean up the mess of the century that he helped create, along with Mr Eves?

He and Mr Eves have the gall to say, "It's the opposition, it's the local municipalities, it's the weather." Do you know why they do that? Because they know they can't defend the grossest screw-up ever perpetrated in this province. No one has mishandled such a major part of the government of Ontario like the Minister of Energy and Mr Eves have. It has never come to this level. Any objective observer will tell you that if you stop this battle of who said what when and what was quoted by whom and where who was at what time, if you get down to the bare facts, hydro is a critical, crucial, important issue for this province's economy, for this province's householders, for everybody. We rely on it. You don't have to tell the people of Ontario that. Yet they have basically treated it like some kind of political game from day one, where they could manoeuvre and shift and change and blame others and hide information.

You knew something was up when they passed that act where they said that hydro could not be subject to freedom of information requests. Why would you do that? Why would you block the public right to access information about this biggest change to hydro in the history of this province? They put a clause in the act that said the public could not find out what hydro was doing as it went through this change. They put that in on purpose because they didn't want people to see what they were up to and what their friends were up to. We know one thing they're up to: they're determined to sell off the rest of Hydro One, the other 49%, just like they sold off Highway 407 for a song. They sold it off to their friends at SNC-Lavalin, who then sold off part of it for four times what they bought it for from the taxpayer.

Here's the taxpayer who has this Highway 407 we've built with our money. The government sells it off at a fire sale. Now this private consortium is reaping a windfall profit daily by the highest tolls in North America, and they're doing it with our money. So we're getting gouged twice. We paid for it with our tax dollars and now the highest tolls are being collected.

This is the kind of deal they want to make with Hydro One. That's why they're going to sell it off in a fire sale to their friends, and again somebody like SNC-Lavalin or that Spanish consortium will be rich and the Minister of Energy will sit there and joke about it. He'll be here in this House laughing about it, as he has been for the last number of months on this issue.

How can the people of Ontario really take this seriously when they look at this Minister of Energy and the Premier basically treating this like some kind of juvenile prank? You hear him stand up here and joke and chortle and laugh. The people of Ontario have seen this government in action and have seen the way they have been recklessly bulldozing through our hospitals and what they've done to our schools—they cut another \$90 million out of our schools yesterday in Toronto on top of the other \$300 million they've cut out.

Interjections.

The Deputy Speaker: We don't have shouting across. If you'd like to stay with us, don't do it.

Mr Colle: It just shows. We've gone through so much grief, especially the parents and the students in all our schools in Toronto for the last seven years, with the likes of the member from Oklahoma, who takes off to Oklahoma, creates a crisis. They closed down our hospitals. They left our emergencies closed with people laying on gurneys and stretchers, and they still are today.

Then they do the same thing with hydro. These are a bunch of cowboys, like the Minister of Energy, who thinks this is all one big joke. You close the hospitals—it's funny. You cut another million dollars from our schools—he thinks it's funny. Hydro, what's happened to people—he thinks it's a comedy show where he can stand up and make fun of everybody on this very serious issue.

I'll tell you, the people of Ontario will not forget the fact that you made a big joke of this, Mr Energy Minister. They will not forget what you're doing and they're not going to be fooled by your spinning and massaging of the facts. You have created a mess and you're making fun of it, which is doubly worse.

Mr Ernie Hardeman (Oxford): We appreciate the opportunity to address this House this afternoon on such an important issue as hydro. We as a government have always put our electricity customers first, from designing our new wholesale market to consumer protection to safeguarding our future electricity supply, thereby ensuring safe and reliable power will continue to be supplied to our consumers. We have heard from our Minister of Energy about the position the Liberals don't have; in fact, it changes by the day.

I'd like to quickly address some of the issues and policies we have put forward in the last number of weeks to deal with the hydro situation. Over the past four months, many Ontarian households and businesses have experienced significant increases in their hydro bills. Many of my constituents expressed concerns about dealing with high and volatile prices.

The government is listening, and Premier Eves last week announced a series of measures to lower and stabilize prices while we work over the next few years to ensure a sustainable, cost-competitive and reliable electricity system for the province of Ontario. But we know those reasons don't matter much to seniors, single moms or small business owners facing large hydro bills. All that matters to them and to everyone in Ontario is acceptable electricity prices, and that's what our proposed action plan would achieve. That is true consumer protection.

With this in mind, the government will soon introduce legislation to lower hydro costs. Should it pass, the proposed legislation would lower the price families and small business consumers pay for power to 4.3 cents per kilowatt hour, effective December 1, 2002, until at least 2006. Our aim is to refund every penny of the difference between the 4.3 cents price of power and what consumers have actually paid, retroactive to May 1, 2002. The first instalment of the refund, a cheque for \$75, would be sent out as soon as possible, in most cases before the end of

the year. The remainder would be credited on future bills. Local distribution companies would credit the remainder on consumers' bills as soon as they are able to achieve that.

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We are putting forward these measures to protect the consumers of Ontario. Some people have suggested that 4.3 cents per kilowatt hour of electricity is too low. I suggest that Ontario's electricity consumers would disagree with that assessment.

Under the government's proposed legislation, not only the price of the power itself but the price families and small businesses pay for the delivery of electricity to their homes would be capped at the current level. Consumer protection is all about ensuring that bills are fair and reasonable. Why would a monthly charge for residential electricity consumers be different in different areas, ranging from \$5 to \$25 a month? To answer this question and to ensure charges are reasonable, the government is ordering an independent review of how customer charges on electricity bills are calculated. Our review will also include the charges of the Independent Electricity Market Operator.

Right now there are no standards, no consistency between various hydro bills in Ontario. Consumers have seen some that are so complex and so confusing as to make a precise and itemized breakdown of the costs and services being billed next to impossible. That was certainly not the intent when this government required unbundling of bills. As recently as this morning, I had a consumer call me with two hydro bills from two separate properties received, and he could not identify the similarities or the differences and figure out whether he was paying the same price or what he was actually paying for the different hydro bills. That needs to be corrected. We believed then and we still believe now that an informed consumer is a protected consumer.

As part of our proposed review of electricity costs in Ontario, we will create a standard province-wide electricity bill that all of us can read and understand. We're not just proposing a graphic design exercise. The new standardized province-wide electricity bill format that we propose would ensure consumers can see at a glance what it is they're paying for.

Some things, consumers do control. The average household is using more electricity this year than it did last year. Ontario's electricity consumers can reduce their costs and help the environment by using less power. We're going to help consumers save money and let them take control. Our proposed action plan includes measures to promote electricity conservation. So while we are proposing measures to ensure that consumers' electricity bills do not go up, we're also proposing methods to help consumers actually reduce electricity costs.

Our long-term plan would include measures such as tax incentives and tax holidays to promote conservation, encourage alternative fuels and support clean electricity production. It would also include public education to help households reduce their electricity consumption. For

example, we propose to allow municipalities to claim a tax credit for the cost of solar panels. We urge the federal government to follow suit on that.

Additionally, we believe that homes should have access to interval meters. In Woodstock we have meters called powerstats where consumers can purchase the power up front. As they see that, they can see the amount of power they are using and indeed I'm told by consumers that that helps them conserve energy.

We propose local hydro companies should promote this service. The Commissioner of Alternative Energy will begin discussions with the Electricity Distributors Association and the home builders' association on this proposal. Our proposed plan provides immediate help to Ontario consumers without sacrificing for one moment our long-term goals. The immediate measures of our action plan to lower the province's hydro bills would be in place at least until 2006. They would continue until sufficient supply, at reasonable prices, is available to meet Ontario's long-term needs. Ours is a balanced plan, not a simple recitation of some ivory tower ideology.

We are protecting consumers by creating an electricity sector that works, and will work long into the future. Our approach is to protect Ontario's electricity consumers while at the same time continuing to work toward a solution that keeps prices reasonable and ensures a stable supply of electricity for Ontario.

There's been a lot of rhetoric from the opposition about our electricity restructuring in Ontario. The truth is that the government has worked hard to ensure there are helpful and meaningful regulations to protect consumers and ensure a stable and efficient energy sector.

To that end, our government has launched a review of the Ontario Energy Board mandate. There have been ongoing changes within the energy sector, and the rules and procedures governing the energy board need to be examined. We want to ensure that the energy board can continue to protect consumers in a changing energy world.

There are a lot of things people can do without, but electricity isn't one of them. Ontarians rely on having a safe, secure, and plentiful supply of electricity.

And just as other necessities such as groceries aren't taxed, we don't charge provincial sales tax on electricity. We don't believe the federal government in Ottawa should be charging GST on the electricity bill either, so we will continue to pressure the federal government to quit gouging the consumer by charging GST on the repayment of the debt that has been created by buying electricity on the credit card for so many years.

Some would have us turn back the clock, returning us to the time of a bloated, inefficient monopoly which was wasteful of the public's electricity. Our government has acted to correct the mistakes of previous administrations.

As a fiscally responsible government, we plan to continue to repay the \$38-billion debt created by mismanagement and inefficiency at the old Ontario Hydro under previous governments, and plan to accelerate payments as soon as new supplies of electricity are on stream.

Who is responsible for the debt? Obviously, responsibility lies with successive governments and management teams who operated Ontario Hydro in the red. But we too, as individuals, bear some responsibility to fix the problem. After all, every one of us who has used electricity in past decades has used power paid for by credit card. This government took action to restructure the old Ontario Hydro so this would never happen again. But the billions on Ontario Hydro's old credit card still need to be paid off.

We are listening to the people of Ontario, and no one has told us they wish to go further in debt. We thank you very much.

Mr Ernie Parsons (Prince Edward-Hastings): I appreciate the opportunity to speak to this opposition day motion. Before I start to analyze some of what is going on with hydro—I certainly am getting calls at my office from constituents saying, “Will there be a hydro rebate?” My advice to you is, when it comes, buy a generator. You'll need to use it as your first payment on a gasoline generator and have it ready so that when the brownouts come, at least you'll be able to provide some basic services in your house. I think this is in effect a gasoline generator down payment cheque that will be coming. The government, I give them credit, recognize that the plan isn't going to work and we need to get some money out for that.

I've also had a request from the Ontario archives that if the government would kindly give them the envelope they put this energy plan together on, the archives believe it is a historical document and they would like to keep the envelope. They have some belief that it may be the same envelope that they planned health care and education on. It's probably getting half full now, but please keep that envelope and turn it over to the archives so that people can see how this government planned for our hydro in Ontario.

I think we could describe in many ways that to this government the province of Ontario has been a science lab to conduct experiments in. We've seen experiments conducted in our health care where any other government would have said, “OK we've got this plan. Let's try it at one hospital site or let's try it in one area and see how it works. If it doesn't work, we won't do it, and if it does work maybe we need to tweak it.” This government said, “Let's change every hospital in Ontario.” From an education viewpoint, “Let's try these major changes.” There's an expression—we have old expressions that I think are developed for a reason. One of them is that if you want to truly understand something, try to change it.

This government has radically changed education in their first year and they now have spent the next six trying to fix what they broke. They're trying to fix health care, which they broke. Every announcement they made—whether it be increased costs for seniors in long-term care—is followed by a reannouncement trying to undo the damage they did with the first announcement.

It is intriguing to me that everyone in Ontario believed that the electricity plan that the Harris-Eves government

put together would not work. The people on the street, who are a long way from stupid, who understand the way things work, said it won't work. Everyone saw the problems coming except Premier Harris and Premier Eves, who had this innate belief: “Let's go ahead and give it a try.” We've seen them go ahead and give a try to changing our water. They went ahead and gave a try to changing our electricity. We got to where we are because certain decisions were made that couldn't be quickly changed on a philosophical, “Let's see how it works.”

1730

I have perhaps said before that people have stated to me that a definition of insanity is doing the same thing over and over and expecting a different result each time. It did not work in California. I don't care how you massage the message, it did not work in California, and now they do have stabilized prices in California at US 11 cents per kilowatt hour. Those are stabilized prices. It did not work in Alberta, but it's been made to work because they're using government revenues to send cheques back to the very people who send the money to the government. When you get a cheque from the government, you know, you're getting some of your own money back. I think people understand that.

The plan was troubled from the beginning; the experts said it wouldn't work. But Premier Harris and Premier Eves said, “Let's give it a try,” and people have paid a substantial price for that. Not only did they radically change our electricity system in Ontario; they conveniently moved it into an arrangement that precluded the public from knowing what was going on under the freedom of information act. The Freedom of Information and Protection of Privacy Act is, in a sense, the Freedom of Information and Protection of the Government Act, because even where there is access under freedom of information, this government has all too often put such costs on to it that organizations and individuals can't pay them.

As we've seen with the 407, as we've seen with the Bruce nuclear plant and as we've seen with privatized medical clinics in Toronto, the public couldn't get access to what was going on at Hydro One and OPG. Very conveniently, public business was moved behind closed doors—fundamentally wrong. If a decision is a good decision, if the actions are good actions, they will withstand the light of public scrutiny. This government moved to curtail and restrict as much information on it as they could from getting to the public.

I'm going to state some things that I think the average person in Ontario would say if they had an opportunity to speak in here. We are dealing with the bill today because Premier Eves broke the system. Eves told us on more than one occasion that prices would go down. They went up. Eves told us there was more than enough supply. We now find out there was a shortage of supply from the get-go. The people on the street, the consumers, were sheltered from knowing we didn't have enough electricity in Ontario to meet our own needs. I've had more than one citizen say to me, “Would it help if we stopped

selling electricity to the US?" The answer is that we need to buy their electricity. During the peak periods, Ontario, which at one time had a richness of electricity, can't meet its own needs. The government knew that.

I was privileged to be on the select committee on alternative fuels, and we heard repeatedly that we need to purchase electricity from other sources. We don't have a glut of it; we have a shortage of it. You can't deregulate when there isn't enough of a particular commodity, a commodity that is so time-sensitive, a commodity that can't be saved and stored and used. When we needed it at 4 o'clock in the afternoon, we knew we couldn't produce it. The government knew the nuclear plants weren't producing, or they should have known. They are the government. They should have known we couldn't meet our own needs and that we're buying electricity at whatever the current price is.

Now we have a very real possibility of blackouts in Ontario, something unheard of, something that is a nuisance at our homes but catastrophic to our industry. I met today with a group of people representing the cement industry. They cannot tolerate a blackout. The auto production plants cannot tolerate a blackout. So industry that has to compete on a worldwide basis is now going to have to incur the additional cost of having alternate energy supplies that will kick in instantly so that they do not lose market share for the vehicles, cement or whatever. Now they're faced with additional costs, having to compete in a world market.

Premier Eves told us consumers would be protected. They were absolutely ripped off by Ontario Power Generation, our company. The government may appear to control it, but every person in this province owns Ontario Power Generation and we've been ripped off by the very industry we founded and own.

The Premier chose to ignore all the advice and the warnings. I don't understand that. The people who were giving advice were very articulate, intelligent, knowledgeable people, and the Premier chose to ignore them. Remember, although former Premier Harris is getting the credit for this hydro boondoggle, Premier Eves had been in power for five weeks when the market opened, and he owns it.

I referred earlier to the envelope that directed their plans for this. There is an impression in Ontario that Premier Eves kept all his promises, that if he said he was going to do something, he did it. He didn't do that, but he did say lots of times that he kept his promise. I don't remember him promising to close hospitals. I don't remember him promising to slash funding to classrooms. He created that image, but Premier Eves very clearly has not kept, in any sense, any clear path of, "This is what I'm going to do."

He said on April 26, "It's important Hydro One be privatized." That's in the Ottawa Citizen. The Toronto Star on May 2: "The largest privatization in Ontario history is in jeopardy after Ernie Eves, the Ontario Premier, said yesterday the \$5.5-billion sale of Hydro One is 'off the table for the immediate time being.'" Now

he did say "for the immediate time being." There was a nice little waffle phrase in there. People need to watch for these waffle phrases with this Premier.

Then, on May 8, Hydro One was back on the table. On May 15, he wanted the investment firms to give him advice because he didn't know what he was doing. On May 16, the Sudbury Star quotes him as saying, "I think that keeping it as a crown corporation or a public entity is indeed an option for the government."

How many waffles have there been over those two months?

May 30: The Premier tabled legislation to sell Hydro One. On June 7, he said he'd like to scrap the public stock offering and have it as an income trust. Then on June 13 it was said that he had killed the key initiative of his predecessor, that "the Tories would not turn over control of Hydro One to the public sector through a share offering."

I hope somebody's keeping track of how many changes we've had at this point.

Then, on July 6, they said they would seek a buyer for a minority stake in Hydro One, although interestingly the legislation allows them to do anything they want. This is a pre-election, "We'll sell part of the share off." I'm not so sure they'll get a purchaser for it now. But the people of Ontario need to realize that when he sells 49% of our distribution system, the other 51% is probably still on the table to go. If we look at the Highway 407 privatization, it is very good for the private purchaser, but not for the people of Ontario.

Our member for Scarborough East reviewed commitments they had made, and I think we need to review some of the things he said. On June 18, the member for Scarborough East said, "The government believes there'll be lower prices. Everyone in the industry believes that. You're going to see it." Everybody in Ontario knew that wasn't going to be the case.

"The competition is going to be marvellous, and the results will be equally significant, because the projections we have heard in the last few weeks range from 5% to as high as 20% reduction in the price of electricity that can be expected once the competition takes hold." We didn't see that reduction; we saw up to 300% and 400% increases.

"Many of us remember the days not long ago when Ontario could boast having the cheapest electricity rates in North America. That day will come again. I have every confidence, and this bill is a guarantee of that." Well, this government clearly broke and put in jeopardy the financial and personal strength of everyone in this province. It is a disgrace. We acknowledge as Liberals that we didn't create the mess but it is very obvious we have to fix it.

1740

Mr David Ramsay (Timiskaming-Cochrane): I'm very pleased to get up on this opposition day debate today because I think, in my 17 and a half years that I have been in this place, I have never seen an issue that any government has mishandled in such a way as this

Harris-Eves government has mishandled the energy and electricity market in this province.

Unlike any other product or responsibility that Ontario has responsibility for, I would say energy is the one that affects everybody's day-to-day life every day. We depend on it. The people of Ontario depend on their government to manage that for them. Whether you're a big business, small business, you're a senior, a parent, a child, you're an institution, you're a householder, you're a tenant, all of us depend on electricity. We want two things: we want to make sure it's affordable but we also want to make sure it's there when you need it, because we need it for subsistence; we need it there for our existence; we need it for our heating and our cooking; we need it to make the economy go. That's why it has been a function of government, and we depend on the government to do that.

This government totally mismanaged this. I had people coming into my office over the last few months, absolutely petrified by what was going on. Unlike any other discretionary purchase, you can't put off this purchase. We depend on it. It comes into the house; we need it for everything that we do. We're using it all the time, constantly. I suppose we're using it without ever thinking about it. We expect when we go to the light switch and turn it on, that it works; when we put on our electric stove, that it works; that if you're on electric hot water, that it works. You depend on it; you count on it. We need it. And what did this government do? It put everything into chaos—one of the biggest crises that has ever happened in Ontario.

People came in afraid that they were going to lose their businesses. I had people who run meat shops in the south end of the riding coming in and saying, "Look what the cost of running our coolers is doing now. We're doubling and tripling the cost of running our business." One business person came in and said, "I've got 10 employees in my employ in this town of Noëlville. The town depends on my business. I can't continue with this business because this electricity bill is now eating up my profit. I am no longer profitable. What am I going to do?"

All of a sudden, overnight, people's worlds turn inside out. They were left absolutely helpless because they had nowhere to go, because something that they depended on, something that I suppose we take for granted, was all of a sudden out of control. What the problem was, what was causing the panic and the crisis there, was the total, uncontrolled volatility of the pricing of electricity. People just feared when that next bill would be coming up. Before, you could count on it. You knew you had a constant rate. Now you opened up your bill and you didn't know what you were getting. I saw bills that were as high as 9.6 cents per kilowatt hour, and also those new service charges that were all broken out. Obviously somebody was taking advantage of that too, because those were representing, in some cases, up to 70% of that bill.

So somebody was ripping off the people. The people were being ripped off and they were being put in a panic.

They were depending on their government to keep their power at an affordable rate, and the government failed them. I have never seen the voters across this province as angry and as mobilized as they were in the last few months. No wonder the government had to do an extreme about-face on this policy, because it wasn't working. And the people of Ontario were not just angered about this; I think they were frightened. The people of Ontario were absolutely frightened of what was happening with their power system.

It's a power system that, I guess, as Ontarians, we've had a great pride in. We were one of the foremost jurisdictions in North America that developed our hydraulic resources, particularly at Niagara. In the beginning of the last century we developed Niagara Falls. We're very, very proud that, with Sir Adam Beck, we developed one of the cleanest, most reliable, low-cost sources of power in the province. At the very beginning Niagara Falls could serve all of Ontario's needs and then some, and we exported right across the United States. As this province grew, so did Ontario Hydro.

But what this government did was to totally drop the ball, cause panic and fear across this province with people very upset and concerned that their electricity would no longer be reliable or affordable. That's the failure of this government and that's going to be the history of this government; it's going to be why, when the people go to the polls next time, they are going to remember that fear and panic that the Harris-Eves government put them through in threatening the supply of electricity. That is going to be the legacy.

I would tell you that we're going to make sure that we're going to do our job and remind the people of what happened: that one of the greatest responsibilities that people depend upon from their Ontario government was absolutely fumbled, and fumbled in such a bad way that caused fear and panic amongst everybody in this province. I had big businesses coming to me and saying, "We made a decision that we're not going to be processing a lot of this ore that we're bringing into Ontario. We're going to move it right over to Manitoba, miss north-eastern Ontario, because in Manitoba we can get power at 3.2 cents a kilowatt hour."

I quite frankly remember when we were going to have a deal with Manitoba on some of their hydraulic generation, and it was the previous government that decided to cancel that. We've basically got to open our borders to Quebec and to Manitoba and say, "We want your clean power coming in here." We've got to get on with Beck 3. We've got to get on with green power generation. We've got to encourage all our companies to start getting into cogeneration. All of us have to be more self-reliant in our conservation and producing power. We need those interval meters so that we can be rewarded for conservation, because a kilowatt hour saved is better than one more we have to produce.

The people of Ontario, given the incentive, would get on the conservation bandwagon. We'd all work together to make sure we used electricity in a more effective and

efficient manner. We can all do that. We can give people the financial incentive to do that. That would be the way to go. We could start to lead rather than follow in this province, and say we want to make sure we have a strong economy and reliable power. The people of Ontario can do that together as a team. The government should lead that. Conservation is the way to do that, and we can all be part of that solution.

The Deputy Speaker: I wanted to draw to the attention of the House, in the members' west gallery, Bud Wildman, a long-time member of this Legislature representing Algoma. Welcome, Mr Wildman.

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): On a point of order, Mr Speaker: My colleague Marcel Beaubien from Lambton-Kent-Middlesex has here parents of head-injured boys. I would really like to take this opportunity to introduce representatives of the Ontario Association of Community-Based Boards for Acquired Brain Injury Services, who are visiting here at the Legislature this evening.

Marilyn Shaver is here from Thunder Bay. Willemien Stanger is here from Peel and Halton. Tom and Janet Brereton are here, again from Peel. Ernie Allen is here from Peel again. Len Pearson is here from Peel and Halton. And a special person, Danny Kemp, is with us tonight. He is a client in Kingston, Ontario.

The Deputy Speaker: Welcome to your Legislature.

Mr Hampton has moved opposition day number 3. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1748 to 1758.

The Deputy Speaker: Don't let it ever be said that I don't congratulate you. Congratulations: you're all on time.

Mr Hampton has moved opposition day number 3. All those in favour will please rise one at a time until named by the Clerk.

Ayes

Agostino, Dominic	Colle, Mike	Marchese, Rosario
Bartolucci, Rick	Cordiano, Joseph	Martel, Shelley
Bisson, Gilles	Di Cocco, Caroline	McLeod, Lyn
Bountrogianni, Marie	Dombrowsky, Leona	Parsons, Ernie
Boyer, Claudette	Gravelle, Michael	Prue, Michael
Bradley, James J.	Hampton, Howard	Ramsay, David
Brown, Michael A.	Kormos, Peter	Sergio, Mario
Caplan, David	Kwinter, Monte	Smitherman, George
Churley, Marilyn	Levac, David	

Interjections.

The Deputy Speaker: I'm just sorry that the superb deportment left us so quickly.

All those opposed will please rise one at a time until named by the Clerk.

Nays

Arnott, Ted	Gill, Raminder	O'Toole, John
Baird, John R.	Hardeman, Ernie	Ouellette, Jerry J.
Barrett, Toby	Hastings, John	Runciman, Robert W.
Beaubien, Marcel	Jackson, Cameron	Sampson, Rob
Chudleigh, Ted	Johns, Helen	Spina, Joseph
Clark, Brad	Kells, Morley	Sterling, Norman W.
Clement, Tony	Klees, Frank	Stewart, R. Gary
Coburn, Brian	Marland, Margaret	Stockwell, Chris
Cunningham, Dianne	Martiniuk, Gerry	Tsubouchi, David H.
DeFaria, Carl	Maves, Bart	Turnbull, David
Dunlop, Garfield	Mazzilli, Frank	Wettlaufer, Wayne
Ecker, Janet	McDonald, AL	Wilson, Jim
Elliott, Brenda	Miller, Norm	Witmer, Elizabeth
Eves, Ernie	Molinari, Tina R.	Wood, Bob
Galt, Doug	Munro, Julia	Young, David
Gilchrist, Steve	Murdoch, Bill	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 26; the nays are 47.

The Deputy Speaker: I declare the resolution defeated.

It being well past 6 o'clock, this House stands adjourned until 6:45 this evening.

The House adjourned at 1802.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

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Flamborough-Aldershot			Chudleigh, Ted (PC)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Halton	Agostino, Dominic (L)
Beaches-East York	Prue, Michael (ND)	Hamilton East / -Est	Bountrogianni, Marie (L)
Bramalea-Gore-Malton-	Gill, Raminder (PC)	Hamilton Mountain	Christopherson, David (ND)
Springdale		Hamilton West / -Ouest	Dombrowsky, Leona (L)
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Brant	Murdoch, Bill (PC)		Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Bruce-Grey-Owen Sound	Jackson, Cameron (PC)	Kenora-Rainy River	Gerretsen, John (L)
Burlington	Martiniuk, Gerry (PC)		
Cambridge	Hoy, Pat (L)	Kingston and the Islands /	
Chatham-Kent Essex	Ruprecht, Tony (L)	Kingston et les îles	Wettlaufer, Wayne (PC)
Davenport	Caplan, David (L)	Kitchener Centre / -Centre	Witmer, Hon / L'hon Elizabeth (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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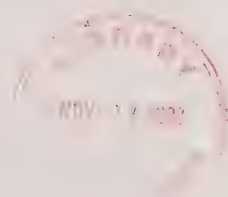
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Official Report of Debates (Hansard)

Journal des débats (Hansard)

Wednesday 20 November 2002

Mercredi 20 novembre 2002



Speaker
Honourable Gary Carr

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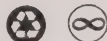
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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 20 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 20 novembre 2002

The House met at 1845.

ORDERS OF THE DAY

HIGHWAY TRAFFIC AMENDMENT ACT (EMERGENCY VEHICLE SAFETY), 2002

LOI DE 2002 MODIFIANT LE CODE DE LA ROUTE (SÉCURITÉ DES VÉHICULES DE SECOURS)

Resuming the debate adjourned on October 30, 2002, on the motion for second reading of Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle / *Projet de loi 191, Loi modifiant le Code de la route afin de garantir la sécurité des véhicules de secours arrêtés sur une voie publique et celle des personnes qui se trouvent à l'extérieur de tels véhicules.*

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): On a point of order, Mr Speaker: I seek unanimous consent with respect to today's debate on Bill 191, that one hour be divided equally among the recognized parties for the purpose of tonight's debate. At the end of that time, the motion for adjournment of the House will be deemed to have been made and carried, and the Speaker shall adjourn the House. For the purposes of standing order 46, tonight's debate will be considered one full sessional day.

The Deputy Speaker (Mr Bert Johnson): Mr Baird has asked for unanimous consent. Is there consent? Agreed? It is agreed.

In debate, I recognize the member for Timmins-Cochrane.

Mr Gilles Bisson (Timmins-James Bay): Timmins-James Bay.

The Deputy Speaker: Timmins-James Bay. I'll get that right one of these times.

Mr Bisson: First of all, I want to start out in saying that we generally support what we're trying to do by way of this bill. Interestingly, we have House time that we can be dealing with pretty substantive pieces of legislation. For example, the government introduced their budget bill a couple of weeks ago and they have, contained within that, changes to the pension regime in the province of Ontario where you would see employers getting a right to strip benefits out of pension surpluses. I would hope that

we could bring those particular bills into the House and have substantive debate by allowing that bill to be carved out of Bill 198 and brought into the House. But instead, we're here debating this particular bill in regard to emergency vehicles beside highways.

I just want to say at the beginning of this, for a government who says they've got a lot of really important business to deal with, I just say to myself, and I'm sure other people say it too, "Why aren't we dealing with more of the substantive issues?" If you take a look at this session, it's been rather interesting. The government has brought a whole bunch of bills like this that are OK—it's not that this is a bad bill; it's not that it won't do something positive, but you say to yourself, "Where's their priorities?" Is this more important than dealing with an issue such as the security of people's pensions in the province of Ontario? I would think we would want to deal with the latter rather than this one first, but we're here tonight to debate this one.

We'll support this bill. The Highway Traffic Amendment Act is, I think, to say in a very safe way, certainly a bill that's supported by a number of people in our province, especially people in the police departments who are going to be benefiting out of this. They understand that there's a danger, especially on the Highway 400 series, but it could also happen on two-lane highways, that if people don't take due regard when it comes to seeing an emergency vehicle parked on the side of the road giving assistance to some emergency or accident situation on the side of the highway, you need to make sure that there is some provision in order to deter people from speeding by and not taking due regard for safety of the emergency workers who are beside the highway.

We generally support what the bill does. I'm just going to read it out of the bill itself. Under part X of the Highway Traffic Act, 2002, by adding section 159.1, it says, "Upon approaching an emergency vehicle with its lamp producing intermittent flashes of red light that is stopped on a highway, the driver of a vehicle travelling on the same side of the highway shall slow down and proceed with caution...." I said the other day in debate, and I think it needs to be repeated again, a couple of points that we want to make. We think that this bill should be referred to committee—not for long; we don't believe that you have to have extensive public hearings on this—but we would like to get it into committee in order to make a couple of amendments by way of clause-by-clause. Under section 159.1, we would argue that we

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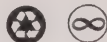
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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 20 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 20 novembre 2002

The House met at 1845.

ORDERS OF THE DAY

HIGHWAY TRAFFIC AMENDMENT ACT (EMERGENCY VEHICLE SAFETY), 2002

LOI DE 2002 MODIFIANT LE CODE DE LA ROUTE (SÉCURITÉ DES VÉHICULES DE SECOURS)

Resuming the debate adjourned on October 30, 2002, on the motion for second reading of Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle / *Projet de loi 191, Loi modifiant le Code de la route afin de garantir la sécurité des véhicules de secours arrêtés sur une voie publique et celle des personnes qui se trouvent à l'extérieur de tels véhicules.*

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): On a point of order, Mr Speaker: I seek unanimous consent with respect to today's debate on Bill 191, that one hour be divided equally among the recognized parties for the purpose of tonight's debate. At the end of that time, the motion for adjournment of the House will be deemed to have been made and carried, and the Speaker shall adjourn the House. For the purposes of standing order 46, tonight's debate will be considered one full sessional day.

The Deputy Speaker (Mr Bert Johnson): Mr Baird has asked for unanimous consent. Is there consent? Agreed? It is agreed.

In debate, I recognize the member for Timmins-Cochrane.

Mr Gilles Bisson (Timmins-James Bay): Timmins-James Bay.

The Deputy Speaker: Timmins-James Bay. I'll get that right one of these times.

Mr Bisson: First of all, I want to start out in saying that we generally support what we're trying to do by way of this bill. Interestingly, we have House time that we can be dealing with pretty substantive pieces of legislation. For example, the government introduced their budget bill a couple of weeks ago and they have, contained within that, changes to the pension regime in the province of Ontario where you would see employers getting a right to strip benefits out of pension surpluses. I would hope that

we could bring those particular bills into the House and have substantive debate by allowing that bill to be carved out of Bill 198 and brought into the House. But instead, we're here debating this particular bill in regard to emergency vehicles beside highways.

I just want to say at the beginning of this, for a government who says they've got a lot of really important business to deal with, I just say to myself, and I'm sure other people say it too, "Why aren't we dealing with more of the substantive issues?" If you take a look at this session, it's been rather interesting. The government has brought a whole bunch of bills like this that are OK—it's not that this is a bad bill; it's not that it won't do something positive, but you say to yourself, "Where's their priorities?" Is this more important than dealing with an issue such as the security of people's pensions in the province of Ontario? I would think we would want to deal with the latter rather than this one first, but we're here tonight to debate this one.

We'll support this bill. The Highway Traffic Amendment Act is, I think, to say in a very safe way, certainly a bill that's supported by a number of people in our province, especially people in the police departments who are going to be benefiting out of this. They understand that there's a danger, especially on the Highway 400 series, but it could also happen on two-lane highways, that if people don't take due regard when it comes to seeing an emergency vehicle parked on the side of the road giving assistance to some emergency or accident situation on the side of the highway, you need to make sure that there is some provision in order to deter people from speeding by and not taking due regard for safety of the emergency workers who are beside the highway.

We generally support what the bill does. I'm just going to read it out of the bill itself. Under part X of the Highway Traffic Act, 2002, by adding section 159.1, it says, "Upon approaching an emergency vehicle with its lamp producing intermittent flashes of red light that is stopped on a highway, the driver of a vehicle travelling on the same side of the highway shall slow down and proceed with caution...." I said the other day in debate, and I think it needs to be repeated again, a couple of points that we want to make. We think that this bill should be referred to committee—not for long; we don't believe that you have to have extensive public hearings on this—but we would like to get it into committee in order to make a couple of amendments by way of clause-by-clause. Under section 159.1, we would argue that we

should extend not just for red lights, but for all vehicles that are providing emergency assistance, or assistance of some type, on the side of highways.

I said the other day and I say again today, you don't just have police vehicles and fire trucks stopping beside situations where there's been an accident or an incident. You have ambulances, which are not necessarily red lights; they're orange lights. So what are we saying in this bill—"We're prepared to protect people who have red lights on their vehicles but we're not prepared to protect emergency workers in the ambulance sector because they happen to have orange lights"?

What about the volunteer firefighters that use the blue light? We passed a bill in this House not too long ago that says that if you're a volunteer firefighter you're allowed to carry a blue flashing light inside your car. If you're on your way to an emergency that you've been called to, the person can take the blue light, put it out on the dash or on top of the car, whatever type they have, and proceed with caution, within speed limits, to the area where they're giving assistance. I will argue, and as Madame Martel will know, in parts of the province that I come from, the people who do respond to emergencies are volunteer fire departments. They're not the police officers that give the primary care, as far as extracting the person out of the accident vehicle or dealing with putting down the Absorb All because there's been gas that's gone across the highway; they're volunteer firefighters. I would like to be able to include under section 159.1 the ability for volunteer firefighters to be protected by the same type of law.

1850

What about tow truck drivers? They're obviously the ones who are called on—I see the government saying no, that we shouldn't protect them. I say we should, because you have an accident or you have a situation happen and the first person on the scene normally is the Ontario Provincial Police or local police. The ambulance shows up shortly after, you've got the fire department that shows up to do the extrication, and then, on top of that, you've got the tow truck that comes, so the tow truck is there as well.

Are we saying we're not going to protect people in the tow truck industry? They probably could use protection under this legislation. We're saying whoever stops to give assistance when it comes to an emergency on the side of the road, or to give assistance to somebody on the side of the road, we should have a law that basically says that upon approaching an emergency vehicle with its lamps producing intermittent flashes—I would spell it out and say all types of lights—motorists must slow down and proceed with caution. That way we're able to protect all those people who come on the scene of an accident. I think it would only be a reasonable thing to do.

The other thing that we think is a bit odd in the bill is how this bill is going to work. Just think about this for a second. Let's say they don't amend the bill and we just have red lights covered under this legislation. On

Highway 11, somewhere in northern Ontario you have an Ontario Provincial Police officer who gives assistance to some driver who has pulled off on the side of the road because of a difficulty with his or her car. The police officer has pulled over and he puts on the flashing lights to indicate there is an emergency or there's a situation that you should be careful of. All of a sudden you get a car coming by that doesn't slow down. Zoom, the car goes by the OPP officer.

Hon Mr Baird: How does it go again?

Mr Bisson: I'll say it again. The car goes by, zoom. It goes by the OPP officer at 60 miles or 70 miles an hour. What's the OPP officer going to do if that person they're giving service to is actually in an emergency? Is that lone OPP officer going to jump back into his or her cruiser and go down Highway 11, trying to catch the person who went by? Of course not. They're going to provide assistance to the person who's in the emergency situation. They're not going to take off. There's no mechanism in this law that says, like other laws, that all the police officer has to do is take down the plate number and file a charge by way of the plate number. There's no provision for this in the legislation.

The only way you could lay a charge under section 159.1 of the Highway Traffic Act would be for the police officer to jump into the car, give pursuit, pull the person over and give the ticket. That's the only way you'll be able to do a charge under this section of the act. I say, why not give police officers the tools they need to do their job safely? First of all, we take a position in Ontario that high-speed pursuits should be in very limited circumstances. We should be doing all we can to protect citizens and police officers from being put in a position of danger by way of a high-speed pursuit.

One of the ways you can do that is by putting an amendment in the legislation that says, "If I'm a police officer, an ambulance worker, an emergency worker of some type, and I'm giving assistance on the side of the highway in a vehicle with intermittently flashing lights, and somebody endangers one of the parties giving assistance by zooming by the accident and almost hitting somebody, all that person has to do is take down the plate number and say, "Here's the plate number." They give it to the police officer and the police officer then can summarily charge the individual on the basis of the plate.

There are already provisions to do that in hit-and-runs. That's already in the legislation. There's already the provision to do it in a whole bunch of instances under the Highway Traffic Act, but it's odd that in this legislation we're not giving that provision to police officers.

We need to get this bill into committee and get into amendments because we've got to make sure we give our police officers the tools they need to properly apply this bill so that (a) it's really meaningful, and (b) they're not putting themselves or anybody else in danger in trying to apply this particular law. It's only right that we should give police officers, emergency workers and other parties involved in these types of situations the ability to say, "This person didn't slow down. They went by real quick.

They put somebody in danger." You take down the plate number and you summarily charge the person by way of the plate number.

I see a couple of members in this assembly who were former police officers. I think they would agree with me on that, because police officers know the last thing they want to do is to give high-speed pursuit, especially in a city or town. Quite frankly, police are well trained. Police officers understand that it's only in rare circumstances that they should give high-speed pursuit. They have to have reason to believe that the person is going to be endangering somebody else in the public and that there's a good reason to pull them over.

Something like this: the way this law is written, let's say there's an accident in downtown Timmins or downtown Sudbury. The police officer has pulled over, is trying to give assistance at the accident, and all of a sudden you've got some moron going by who doesn't slow down and puts the police officer and others at the scene of the accident in danger. You potentially have a situation where the police officer may say, "Who was that?", jump in the car, take off and give pursuit. Before you know it, he or she, the police officer, is chasing this person down the streets in the city of Sudbury or Azilda or Timmins or wherever it might be.

I'm saying we have one policy in the province that says we should limit those types of pursuits, and here's an opportunity to limit the pursuit by putting an amendment in the legislation that says, "We will give police officers the ability to charge by way of taking the plate number and charging the person summarily from there."

There is already precedent for that in the legislation. In all other kinds of situations, you can give tickets in that way. I'm sure the minister responsible for safety and whatever—the Solicitor General, as it used to be called—would agree with me. Police officers are responsible individuals who want to do their job right and they need the tools from us, the legislators, that allow them to do their jobs properly. I would argue that not putting that provision in the legislation would put police officers in the position of having to make a judgment call on the side of the highway or road that they may regret later. Why put them in that position? Let's give them the right under the legislation to be able to charge that way.

I come back to the other point: we should not only be protecting emergency vehicles with red lights; there are ambulances; there are volunteer fire departments; there are tow truck drivers; there are green lights—the Ministry of Transportation often is on the scene, especially when it comes to truck accidents. What you'll often see on a highway, and I see it quite often on Highway 11 as I drive around my riding, is that you get a truck that goes off the side of the road because road conditions are such that it's kind of hard to hold them on the middle of the road in the wintertime and they end up going into the ditch. All of a sudden you've got a load that has been strewn along the side of the highway. You've got logs everywhere, chips, all kinds of stuff going on. You end up calling who? You call the Ministry of Transportation

often to come and deal with that issue that's applicable to MTO. So I'm saying, why don't we protect the MTO inspection officers who may have to be out there because of some condition that has happened in regard to trucking?

We're saying, "Good bill. Not a bad idea. Good step forward." We're going to vote for it at second reading. We think this is a pretty good piece of legislation, but we make the point that it has to go to committee. We need to deal with those two particular issues I raised as a way of being able to make this bill better so that police officers are able to do their jobs properly. Those are two of the points we want to make.

Hon Robert W. Runciman (Minister of Public Safety and Security): More delaying tactics.

Mr Bisson: Now the minister—I'm so surprised, I'm so hurt that the minister responsible for safety is saying, "This is delaying tactics." This is not delaying tactics. The reality is that this Legislature meets from time to time to deal with public business. As I understand it, this is a bill that will affect the public of Ontario.

Here we've got a bill that basically is going to do not a bad thing. All we're saying in the opposition is that we need some time to debate this bill so we can raise the issues. Through this debate, we have raised, and the Liberals have raised, points that I think are valid. In our particular case, in the NDP caucus, we are saying there are a couple of things we should do to make this bill better, to protect other emergency workers from being endangered by vehicles that don't slow down and proceed with care, by also giving police officers the tools, the ability to charge summarily by way of a licence plate, rather than jumping in their car and running away, and the minister responsible for safety says, "Oh, you're just delaying. This is delaying tactics."

I've got a whole 20 minutes to make the point, and I say to the minister, my God, of all people, I would think he would support these useful amendments, because I know Mr Runciman. He's an honourable member and he has made a bit of badge for himself. We call him Top Cop around here—you, know, the sheriff walks into the room. We know Mr Runciman likes to support police officers, and good for him, as we do. All I'm saying is, here is an opportunity, Minister, to be able—

Mrs Margaret Marland (Mississauga South): If you do, you would have passed this by now.

Mr Bisson: Now we've got the former minister responsible for seniors saying we're delaying. Come on, be real.

All we're doing, Bob, is saying, "Let's give those police officers the tools they need to do their job." That's not unreasonable.

Ms Shelley Martel (Nickel Belt): In northern Ontario, it's the paramedics on the side of the road.

Mr Bisson: There's the other issue. Exactly. My good colleague from Nickel Belt raises the point that the people on the scene in many of our communities up north are the paramedics. Often the police officers get there after the paramedics, quite frankly. Why aren't we

protecting them? They're all emergency workers and I think we all agree as members of the Legislature that this is not a partisan issue. I don't see the three parties' names all over this and lines divided all over the place.

1900

We're saying this is not a bad idea, but there's a way of improving on the idea. What's wrong with that? Don't draw a line in the sand, minister responsible for safety, public issues, former Solicitor General, whatever it is. Don't draw a line in the sand. Say, "I'm open-minded as a minister. I want to hear good suggestions." And I think you have to agree, these are good, positive suggestions. It gives the police officer the tools they need and we protect other emergency workers. What's wrong with that?

So we're saying, this is not delay. Send it off to committee; I'll agree to do committee in half a day. Send it off to committee for an hour. I just need an hour to table the amendments, to explain them and have the government vote for them. I would hope they want to protect other emergency workers and I would hope they want to give a police officer the tools, but if you refuse to go to committee, what are you saying to police officers and others? You're saying to all the other emergency workers, "I don't care, because only the police officers are worth protecting," and I know you don't want to say that. I would hope that you don't want to say that. If you don't go to committee, it means you don't want to give them the tools.

Who is here defending police officers and other emergency workers? In this case, it's the New Democratic Party of Ontario. We are standing here shoulder to shoulder with the brothers and sisters in the trenches who deal with emergency issues in the province of Ontario and we're saying, as New Democrats, give those people the support. What's wrong with that?

The other point is, to the government saying, "Oh, we're wasting time here debating. Boy, is democracy a lot of trouble, eh? Man, democracy just gets in the way of a government's ability to do what the heck it wants, and those pesky opposition members, they come into the Legislature and they say, 'I want an amendment on a piece of legislation.' Oh boy, you're pretty pesky over there," well, you know what? Last time I checked, this still is a democracy; at least I want to believe it is. It doesn't work as well as it used to, since you guys got the power, but that's for another debate. But I just say, somebody's got to come to this Legislature and raise these points, because all that happens on the government side of the benches is you guys come in with your prepared script that says, "I am a Conservative member. I am reading the script that's prepared by the Premier's office. I will tout the party line." It's like a bunch of automatons.

I'd like someone for once—Mr Mazzilli, for example, who is a former police officer—to stand up in a debate and say, "Yeah, I agree with Mr Bisson and the New Democratic Party. As a former police officer, I agree that other people are put in danger on the side of the highway when it comes to dealing with accidents. And it's not just

police officers that have to be protected, it's our paramedics, it's our firefighters, it's our volunteer firefighters, it's all of those workers, including tow truck drivers. And yes, I agree with Mr Bisson. Give us, the police officers, the tools that we need to protect, give us the opportunity to do that."

But no, I get the front bench of the Conservative caucus going, "Oh, you're coming in here and you're delaying this legislation. Oh, you're getting in the way. Pass the bill without debate."

I know my good friends across the way, like Mr Turnbull, would support reasoned amendments like this. I know they would, if they were only given the ability, if only the Premier's office would release the shackles around their legs, those big shackles they put around their ankles, and allow them to walk free within the caucus chamber and allow them to walk free in the Legislature. Just pull those chains and shackles off and stand up and say, "Yes, we are with the New Democratic Party. We want to support police officers, we want to support the paramedics, we want to support all those workers out there who are put in danger at the side of road. And Ernie, we throw away these prepared texts that you give us. We don't believe that. We want to support the New Democrats because you know what, Ernie? Like on Hydro, they're right, and when, God, the New Democrats are right, they're right, and we should support them."

We're just saying that's not an unreasonable thing to ask for. We take our responsibility very seriously here, as New Democrats. It wasn't popular coming in here six months ago, a year ago, and saying Hydro deregulation is a bad thing, market opening is a bad thing. We came in the House, we used every tactic we could in order to be able to make that point, and the government across the way said, "Ah, you're wrong, you're stalling, these are scare tactics. It ain't gonna happen."

Look what happens. Now the Liberals have flip-flopped and even they agree with us now. I saw them both this afternoon in the House. They supported the NDP resolution on hydro. We talked about how the Liberals took everything off their Web site when it comes to hydro policy and it's a big blank. Now they've put, "Press this link. Go to the NDP Web page and you'll get hydro policy for the Liberal Party," because they'll press a link from the Liberal page and it will bring them to Howard Hampton's page and into public power. So I say to the ministers across the way, throw off those shackles. Become the free spirits that you should be. Stand up for democracy. Assist the emergency workers in this province and support the New Democratic Party with its reasoned amendments to give all emergency workers the protection they need under this bill. Thank you.

The Acting Speaker: Further debate. The Chair recognizes the member for Halton.

Interjections.

Mr Ted Chudleigh (Halton): I'm sorry, Mr Speaker. Did you introduce me? I didn't hear you.

The Acting Speaker: Yes, and there's a reason you didn't hear me. It will not happen again. Take my word for it. The Chair recognizes the member for Halton.

Mr Chudleigh: I'm very pleased to enter this debate.

Mr Bisson: Throw the speech away. Throw off the shackles.

Mr Chudleigh: I'm going to throw a big part of it away, Mr Bisson, and I'll address some of your comments.

I will be sharing my time with Mr McDonald, the honourable member for Nipissing, this evening. What I don't cover I'm sure you'll find he will cover very well.

Now that we have finished with the member from Timmins-James Bay, the hyperbole, and some might say hypocritical—but that might be going a little too far.

The Acting Speaker: I would ask you to withdraw.

Mr Chudleigh: I apologize. I withdraw.

I'd like to thank Mr Frank Mazzilli and also the honourable David Turnbull for doing the background effort and bringing this important piece of legislation forward. My esteemed colleagues have already pointed out, as this is the second day of debate in this House, that the front-line police officers and firefighters in this great province of Ontario, and other emergency service personnel—and that's how it's defined in the Highway Traffic Act: "other emergency personnel." That covers ambulance workers, it covers paramedics, it covers all the people the member speaking before me would have included in amendments. They're already in. I appreciate that he hasn't had time. You may not have time to read every piece of legislation that comes before the House, and you can't really refer to Coles Notes. You really have to delve into the legislation to understand it.

Those people he was talking about are already in this piece of legislation and these people in Ontario, all of them, play a very important role in ensuring the safety of citizens in this province. Without them, life as we know it wouldn't exist. These people stand between the rule of law and total chaos in our province. We owe all of them a huge debt of gratitude. They go about their jobs with the full knowledge that the shift they are currently working could be the last. They accept that possibility as one of the hazards that comes with doing something they love to do and something that they do extremely well. But they shouldn't have to be put in a position of being killed or seriously injured while performing such everyday functions as handing out tickets or tending to minor fender benders.

I can assure you that the Eves government intends to do whatever it takes and whatever it can do to protect these dedicated men and women who deserve our thanks and support. Bill 191, the legislation before the House this evening, goes a long way to providing that support. I encourage every member of this legislation to vote yes when this bill comes for a vote. The men and women who are putting their lives on the line for us every day are watching, and we won't let them down.

It seems to me that when this legislation does come before this House for a vote eventually, everyone in this House will support it. We were talking earlier about the need to debate some bills in this House for longer periods of time than we currently do, and there are pieces of

legislation which we all agree to and which cover all of the appropriate clauses in the bill that we don't necessarily have to debate for long periods of time. But this bill will go on for three days of debate, we'll have one day of time allocation and then the bill will be passed for second reading.

1910

Before the House right now there is Bill 198, which is a very long and thick budget bill covering a myriad of subjects that really deserves a longer period of time in debate, as does Bill 180, a similar large bill. We would have time to debate those bills. We could debate them six days, eight days, 10 days. We could put them in committee. We could do all kinds of things in debating those bills if we could get the co-operation of the opposition on bills like this that don't deserve four days of debate. We all agree to them. We should pass them and get on with it.

The other bills—the budget bill, the consumers' act bill—could be debated more thoroughly by this House if we had that kind of co-operation. I would encourage the opposition parties to think about what they are doing to the democratic process when they refuse to move expeditiously on bills that we all agree on.

As my colleagues have indicated, the Eves government is very serious about this piece of legislation. I would like to take a moment or two to explain what the legislation is and how it works and how it could be enforced and then the penalties that are associated with it.

The legislation mandates that drivers that are approaching vehicles going in the same direction as the vehicle stopped by the side of the highway, and with their red emergency lights flashing, must slow down to a reasonable speed, a very slow speed. What is reasonable will be dictated by the traffic flow, the posted speed limit on the roadway and, naturally, the current weather conditions, the current light conditions and whether it's day or night and that sort of thing.

It also calls for the driver to move into an adjacent lane prior to passing the stopped vehicle if the adjacent lane is free of traffic. That can only occur where there are at least two existing lanes travelling in the same direction as the traffic passing the stopped vehicle, and that it is safe to do so.

The legislation will apply to all vehicles, excluding school buses, with flashing red lights—which motorists in Ontario know that they should not pass when the flashing red lights are activated.

Section 62 of the Highway Traffic Act authorizes ambulance, fire, police, public utility, emergency vehicles and the Ministries of Transportation, Natural Resources and Environment vehicles to carry the red flashing lights. If the member opposite had read that section he wouldn't have been railing on about his amendments. Sixteen American states and the province of Saskatchewan have enacted similar legislation as Ontario's proposed law. However, Ontario's proposed law is among the toughest in Canada.

I think we will do whatever it takes to protect the lives of our police officers, firefighters and other emergency

service personnel in Ontario. Over the past four years, with great sadness, it is unfortunate that we have seen four of these officers lose their lives while standing beside the road carrying out the laws of this province.

Those convicted of disobeying this new law, if it should pass, can expect to be dealt with very severely. For the first offence the fine will be not less than \$400 and not more than \$2,000. For the second or subsequent convictions, a fine of \$1,000 to \$4,000 would be assessed, and imprisonment for a maximum of six months, or both fine and imprisonment. It is a very serious situation. The court can also suspend the person's driver's licence for a maximum of two years.

These penalties are comparable to those assessed to drivers that fail to stop for school buses with their red lights flashing. We take extraordinary steps to protect our children. We should do no less for those that protect us and also those who protect our children.

The Ministers of Public Safety and Security and Transportation will work closely, once the legislation is passed, to ensure that the driving public is made aware of these new regulations. There will be a need for a phasing in of the law that gives the driving public an opportunity to adapt to these changes.

I can assure the House, however, that once the grace period is past, the government will see to it that the law is enforced. This province can't afford to lose even one more police officer, firefighter or other emergency service worker to a needless and somewhat avoidable accident.

Drivers who commit these crimes will pay the price, and they can count on it.

In closing, I'd like to once again encourage all members of the House to show their support for the front-line workers by passing this important piece of legislation unanimously—something that I'm very sure will happen eventually. In closing, I'd like to point out that it is the holiday season and I would like to encourage all the members of the House and those watching that they don't drink and drive, don't become a statistic or be the cause of a flashing light on the side of one of Ontario's roads.

Mr Pat Hoy (Chatham-Kent Essex): I am indeed pleased this evening to rise and speak on Bill 191. Of course, we will be supporting this bill. Dalton McGuinty and the Ontario Liberals agree with the government and all who believe that we should protect our emergency service workers and at the same time ensure the public is also provided with a degree of safety.

I want to comment on the fact that the member from Brant, when he read the title of this bill—An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle—noted in the title that the government has chosen to put the vehicles ahead of the people in the title. I would submit that if you want to ensure that they would move—

Interjection.

Mr Hoy:—to ensure, I say to the minister opposite, that you have vehicles ahead of the people. That's where

we come from: protecting the people, not the vehicles, first. I think it's a minor issue, of course, but one that has significance to those people who ride in those emergency vehicles. I put it to the minister that perhaps they could just simply reverse the title to a small degree to ensure that we put people ahead of the vehicles.

The act calls for persons to move to the left when coming in contact with an emergency vehicle that has a red light flashing. I think that currently many people do this. I think many people automatically move to the left. They recognize there is an activity going on in front of them. I think what the government's trying to do here is ensure that this happens in all cases. I'm certain they are trying to set a good example to promote the issue that one should move to the left when this activity is taking place with any emergency vehicle with the red light flashing.

The question of enforcement has been raised by others in this House, on our side of the House and by the third party. In particular, when, for example, a police officer has pulled over someone who has perhaps had a driving infraction or simply needs assistance, how would they capture someone who is blatantly breaking this law? That has been put to the government on numerous occasions. I think that is part of why even the minister, who in all sincerity is trying to protect those emergency workers, recognizes that this is a strong piece of legislation aimed at ensuring that people who currently move to the left—have that occur in all instances. One should be doing that on a regular basis.

The number of injuries and deaths to those who provide those services is tragic. We need to ensure that people understand that we in Ontario will not tolerate aggressive or simply very poor judgment and poor driving. By way of example, this bill helps to move along the attitude that we must be responsible on our highways.

The bill does not say to what speed these vehicles should slow down. It does not say how much one should slow down when passing an activity that involves emergency vehicles with the red lights flashing. There is a great deal of discretion, it would appear, within the bill as to how much one should slow down. Of course, as I mentioned, how would one apprehend a person if they are the only officer or there is no officer involved at all? It could be another emergency vehicle, such as fire or ambulance, as mentioned by others.

We have a situation in my particular part of the riding where we have a part of Highway 401 which, due to so much tragedy on that highway, had been commonly called Carnage Alley. There today exist only two lanes going eastbound and westbound. There is no third lane. There is no left-hand paved shoulder and there's no median barrier.

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I happened to be just recently near the site of an accident. According to press reports, no one was killed, thank goodness, but according to the press a tow truck crossed Highway 401 and hit oncoming cars in the eastbound lane—two vehicles. As the traffic stopped and backed down the 401 because of the accident in the

roadway—I was perhaps 10 transport lengths back from the accident—the police were called to assist. They could not cross the highway from the westbound side on to the east and get on to the right-hand paved shoulder because of all the traffic backed up. So the police officers were driving down the embankment, which is very, very steep in that particular section of 401, on a rakish angle on the passing-lane side.

I would say to the Minister of Transportation and the Minister of Public Safety that we need to have fully paved shoulders on both sides of the highway, not just one side of the highway. We need that extra lane. I think those officers were put at some risk driving down the left-hand median.

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): So why didn't your government spend any money on the roads?

Mr Hoy: The minister opposite has stated in the past, when he was Minister of Transportation, that he would look at this issue some 11 years from when he was Minister of Transportation; 11 years down the road he would look at that. So that's the commitment the government has given to date. "We'll look at it and maybe do something 11 years down the road." So we have no left-hand paved shoulder, we have no median barrier.

There's another section of Highway 401 between Woodstock and Cambridge that is nearly identical. It does not have a third lane. It does not have a paved shoulder on the left-hand side. It does not have a barrier. I've talked to police officers who say that every time they see black tire marks on that median they know that a life has been saved or at the very least injury has been put aside. Police officers tell me that.

The argument is this one: if we have three lanes, fully paved shoulders on both sides of the highway and a median barrier on some sections of the 401, therefore it must be a safety feature that can be enjoyed by all. However, we do not have continuity on the 401. We move from two lanes to three, back to two, and then of course in the GTA we have multiple lanes, beyond three.

In order to help our emergency workers—all of them: police, fire, emergency and others—we should have fully paved shoulders on both sides of our 400 series highways, allow for that room for people to get over, as this bill requires, and assist in a major way all the public who drive on the 401, and that includes our emergency service personnel.

I think the government should embark on a positive educational program in regard to this bill. Currently, we have a law that says that when an emergency vehicle approaches a vehicle you must move to the right-hand side of the road, get out of the way, let them go do their work, pull over to the right and stop. That's if an emergency vehicle is coming behind you and you hear the sirens, the bells perhaps, and of course the red lights flashing. You are to pull over to the right. Now we have a piece of legislation introduced here that requires vehicles in certain circumstances to pull to the left. So I think it

would be prudent of the government to do positive, non-partisan advertising and explain to the public the situations whereby one is required to pull to the right-hand side of the road for emergency vehicles and in other situations you must pull to the left-hand side. I think we should certainly have the driving public understand what is required in both cases, and in all cases.

It's also interesting to note anecdotally, talking to the public and with some police officers, that the current law whereby a vehicle must pull over to the right has a fine to it. Yes, it does. So does this piece of legislation, Bill 191, have fines attached to it. But they tell me that people cherish the points on their licences. They don't want to have demerit points. Neither one of these pieces of legislation allows for points to be taken away from those who have an infraction under either one of these two laws in Ontario, should Bill 191 be passed. I know that people cherish their driving licence points. I further state that that perhaps also has an effect on their insurance rate, and people want to make sure their insurance rate is kept at a reasonable level, so they drive with that in mind.

Also on our highways, as mentioned by many, we have police officers, fire, ambulance and other emergency vehicles, and volunteer firefighters are on the scene as well. I would hope that the Minister of Transportation and the Minister of Public Safety would look at Bill 153, the Safety in Highway Construction Zones Statute Law Amendment Act, introduced by myself as a private member's bill. This bill would ensure and enhance the safety of our construction workers. Bill 153, introduced December 12, 2001, implements the recommendations made by the coroner's jury as a result of the inquest into the death of Dick Van Rooyen. Mr Van Rooyen was a construction worker killed in the Ridgetown area on Highway 401. Mr Van Rooyen's accident, his untimely death, occurred on Carnage Alley, on the 401, which happens to be the section of the 401 that's in my riding.

If the government would just take this bill and run with it; call it your own. Take this bill and protect our construction workers as well. It would amend the Highway Traffic Act by increasing the penalties if convicted of a driving offence in a construction zone. It would permit municipalities to designate construction zones as community safety zones. It would double the fines for speeding through construction zones—we would double the fines through construction zones, a strong deterrent—and it provides for the doubling of demerit points on that offence. The demerit points I was just talking about under Bill 191 would not be affected, nor are they put in place for those who fail to pull to the right for an emergency vehicle.

It also provides that traffic should be diverted to the other side of the road, with the contractor supplying a written traffic protection plan. By "the other side of the road"—we're talking about the 400 series highways.

I have talked to construction workers who favour this bill. It is supported by the Construction Safety Association of Ontario, the Ontario Road Builders' Association

and the Transportation Health and Safety Association of Ontario. I say to the government, take this bill, take it upon yourselves, bring it in under the Ministry of Transportation or perhaps—the minister is here tonight—the Ministry of Public Safety and Security and have it passed so that we can protect our construction workers.

I have talked to construction persons who, while working, have had rakes and shovels taken right out of their hands by cars and other vehicles going by. That's very close. They were very fortunate they weren't injured or killed. Mr Van Rooyen was killed. Not only that, it's gotten to the point where the tolerance of people going through construction zones appears to be challenged. They will throw things at construction workers. Can you imagine a car or any other motorized vehicle moving at a high rate of speed and they're throwing pop cans at construction workers? At the very least, let's slow these vehicles down and ensure a degree of safety for construction workers, and let's do it in the name of Dick Van Rooyen. As a matter of fact, Mr Van Rooyen's name appears in the title of the bill, in his memory. I'm pleased that the family has worked along with me in this regard.

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So we have demerit points that will be doubled, we have fines that will be doubled, and where a court or judge has convicted a person for a contravention of subsection (14.1) and has determined that the person convicted was driving at a rate of speed of 50 or more kilometres per hour greater than the maximum speed limit, the court may suspend the driver's licence of that person for a period of not more than 60 days.

This is a strong bill. It contains at least three different deterrents, that being doubling the fines for speeding, doubling the demerit points, and also one could lose their licence. I think this House would agree with me that Bill 153 should have been passed into law immediately after being introduced on December 12, 2001, as a private member's bill.

I want to move on. The bill, as was pointed out by the members of the government opposite, does provide a section that says "'emergency vehicle' means a vehicle described in subsection 62," which does include other than just police vehicles. But it goes on to say that it does not include a school bus. It mentions right in the bill that we're discussing tonight, Bill 191, that it does not pertain to school buses. However, I have a private member's bill that deals with school buses. I think the government should allow it, after second reading has occurred in this House, to move to committee, be brought back for third reading and made into law.

Bill 112 would protect the 810,000 children who ride school buses each and every day. It would assist the over 16,000 buses that are out on our roads and streets each and every day. It would protect the children and provide a strong deterrent for those who recklessly pass school buses when the red lights are flashing. This occurs far too often. School bus owners, school bus drivers, tell me it happens two and three times per shift, and it must stop—it must stop.

I have introduced this bill five times. Successive Ministers of Transportation have spoken against it, or at the very least have not allowed it to go through the process of this House beyond second reading.

I have been very fortunate in the lottery we have here in terms of private member's bills. I have had the opportunity to introduce this five times with the support of 30,000 names on petitions, with the support of Larry and Colleen Marcuzzi, whose 16-year-old daughter Ryan was killed by someone who passed a school bus when the red lights were flashing. It's very difficult for the Marcuzzi family to talk about their young daughter Ryan. But over time, Mrs Marcuzzi has told me that every bone in her body was broken.

We have to ensure that the driving public knows that we will not allow in Ontario the blatant disregard for those red lights flashing on a school bus. They are there to protect the children. There is not in this province a strong deterrent. What we have is the lack of a conviction mechanism. By that I mean the school bus driver must identify the face of the offending driver. It's virtually impossible—blacked-out windows, time of day, speed of the vehicle. If the vehicle is passing from the back to the front of the bus they only see the back of one's head. My bill would allow for the identification of the licence number, better known as vehicle liability. The government allows vehicle liability on the 407 to collect money. They allow vehicle liability at red-light cameras. But they seem not to want to protect the children of Ontario, those 810,000 who ride school buses every day, with vehicle liability. School bus owners, operators and police have told me that this bill would certainly provide a conviction mechanism to those who witness a crime and could be cross-examined about it.

The Deputy Speaker: Further debate?

Mr AL McDonald (Nipissing): It's my pleasure to join in the debate regarding Bill 191, the Highway Traffic Amendment Act (Emergency Vehicle Safety), 2002, which is designed to enhance the safety of police officers, firefighters and other emergency personnel and to modify driver behaviour.

This legislation will apply to all vehicles, excluding school buses, with flashing red lights. Subsection 62(15.1) of the Highway Traffic Act authorizes ambulance, fire, police, public utility emergency vehicles, and Ministries of Transportation, Natural Resources, and Environment vehicles to carry a red light. So this bill covers all emergency personnel, all emergency vehicles.

The other day I had three police officers visit me here at Queen's Park from my riding of Nipissing: Sergeant Mike Tarini, Constable Noel Coulas, and Constable Shawn Devine. They all have children. They pleaded with us to put this bill through and pass it so that they could be protected, so that their kids wouldn't have to worry about some driver running them over while they are out there trying to protect us. The fact that we're looking after emergency personnel and we're looking after these individuals who are there to protect and serve us deserves consideration when we are reading this.

We talk about all the important bills that are before the Legislature, like safe, clean drinking water and consumer protection. This, to me, is a no-brainer. So if I could, I'd like to ask for unanimous consent for second and third reading of Bill 191, the emergency vehicle safety act, 2002.

The Deputy Speaker: Mr McDonald has requested unanimous consent to pass second and third reading of Bill 191. Agreed? It is not agreed.

The Chair recognizes the member for Nipissing.

Mr McDonald: Many of us don't recognize the high risk that front-line police officers can face during traffic stops. When an officer has pulled his or her cruiser off to the side of the highway to issue a speeding ticket or a warning, to provide help or investigate an accident, we don't necessarily think of this as a very dangerous part of their job. But this is a very dangerous part of their job. In the past five years, several police officers have lost their lives as a result of being involved in traffic accidents while stopped on the side of our provincial highways. Many others have narrowly missed being run over. Not only is this endangering the life of an officer; it also leads to the possibility of these trucks hitting other vehicles that might stop on the shoulder of the roadway.

This is the kind of driver behaviour this legislation is designed to eliminate. These officers and other emergency personnel are there to protect us. They understand that their job is, by its very nature, dangerous. However, they shouldn't have to worry about their life being at risk needlessly because of inappropriate action of irresponsible drivers.

This legislation will lessen the risk these hard-working men and women take in performing their duties of protecting the rest of us. Bill 191, if passed, will make the public more aware of emergency vehicles stopped on the shoulder of the highway, increase the safety of police and other emergency personnel, remind drivers of their responsibilities as drivers and deter driving recklessly.

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Many of these people who actually take these risks, who put their lives on the line as part of their job, are with us today. We're joined this evening by Mr Bruce Miller and Ed Kinnear. Together they represent over 20,000 front-line police officers in municipal police services in the Ontario Provincial Police across the province. So welcome to both these gentlemen here tonight.

I'd like to take this opportunity on behalf of the Honourable Bob Runciman, the Minister of Public Safety and Security, to thank the OPA and the OPPA and the various other organizations that contributed their comments and suggestions to help us draft this legislation. We appreciate their efforts, their commitment and their co-operation in fighting for what's right: the safety of the men and women who ably represent us, who keep us safe.

I think it's fair to say that the people who actually wear those shoes, the people who actually step out of

their cruisers in close proximity to the vehicles travelling at high speeds, support this legislation. They want this legislation. They believe it will improve their on-the-job safety, and this government agrees. We're confident that the citizens of Ontario will embrace this legislation as well.

Bill 191, if passed, will see Ontario in the forefront of jurisdictions that make officer safety a priority. Ontario has always been a leader in supporting our police officers, our firefighters and other emergency personnel, and we intend to continue that. Even one more death of an officer or an emergency worker as a result of this type of accident is unacceptable and can be avoided here in Ontario.

The Eves government is determined to protect the safety and well-being of our front-line officers and other emergency personnel. Everyone who uses our provincial highways will benefit from this legislation because we all benefit when these hard-working men and women are able to concentrate on the task at hand.

By forcing drivers to slow down to a reasonable speed or, where it's feasible and safe to do so, move to the adjacent lane, we are protecting those whose job it is to protect us. I encourage all members of this Legislature to support this legislation.

In closing, Mr Speaker—we're running out of time here tonight—I'd like to remind the members of this Legislature of a very sobering thought. Each year the Minister of Public Safety and Security and most of my colleagues here in the Legislature attend memorial services throughout the province to honour police officers and firefighters who have lost their lives in the line of duty. This legislation won't necessarily prevent additional names from being added to the memorials, but it will go a long way toward providing greater safety for these men and women. Even one death of this nature is unacceptable and can be avoided here in Ontario.

The Eves government is determined to protect the safety and well-being of our front-line officers and our emergency personnel. It needn't take the death of another police officer, firefighter or emergency personnel for this House to recognize the seriousness of this situation. These people are valuable resources; they are wives, husbands, mothers, fathers, sons and daughters.

Let us put a stop to these needless, avoidable deaths now by passing this legislation.

I would like to continue to speak, but I see my time is up, so I'd like to thank you for the opportunity to speak on Bill 191.

Hon Mr Baird: I'd like to indicate the strong support of my constituents in Nepean-Carleton and a lot of police officers in Ottawa-Carleton for this important piece of legislation.

The Deputy Speaker: In accordance with the agreement made earlier tonight, this House stands adjourned until 10 am tomorrow.

The House adjourned at 1947.

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Thursday 21 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 21 novembre 2002

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

GRAFFITI AND ADVERTISING SIGNS CONTROL ACT, 2002

LOI DE 2002

SUR LE CONTRÔLE DES GRAFFITIS ET DES PANNEAUX PUBLICITAIRES

Mr Kells moved second reading of the following bill:

Bill 205, An Act to control graffiti on public and private property and advertising signs on public property / *Projet de loi 205, Loi visant à contrôler les graffitis sur des biens publics et privés et des panneaux publicitaires sur des biens publics.*

The Acting Speaker (Mr Michael A. Brown): The member for Etobicoke-Lakeshore has 10 minutes for his presentation.

Mr Morley Kells (Etobicoke-Lakeshore): I rise today to address the Legislature on the merits of my Graffiti and Advertising Signs Control Act, 2002, and the necessity to have the province take action to protect the property rights of the public.

Graffiti takes place on both private and public property, while illegal advertising signs are usually placed at random on public property near well-travelled thoroughfares. I'm going to quote from an article by author Jake Reichert, in a journal article out of Winnipeg:

"Graffiti has existed in one form or another as long as writing. The earliest known cave paintings dated from 20,000 years ago sometimes seem to have more in common with modern graffiti than with writing.

"Confining a person's avenues of graphic and decorative expressions to books, canvases and printed pages—instead of spreading them out on communal surfaces—is a relatively recent practice and is part of our culture's obsession with private property."

Right from the start let me be clear: graffiti is one thing and illegal signs another, but the one thing they have in common is that they intrude on the public consciousness without permission. They both assault your privacy and show utter disregard for property rights, whether we are referring to public property infrastructure or the walls of homes and commercial properties.

With this in mind, I will begin with graffiti, for it is by far the most pervasive of the two, and obviously the most

difficult to police and eliminate as a public nuisance. The original graffiti artists I suppose could be called the media writers of ancient and medieval times, for often their drawings told a story of events of the era, and often in vivid colour and description, without the use of language, which hadn't yet been created. To these unknown purveyors of the realities of life, we owe an incredible vote of thanks. But we've come a long way since the days of cave art and their messages, and current graffiti relates little of value unless you believe that "John luvs Judy" painted on a subway wall delivers a sublime message of some kind.

Before I get ahead of my story, let me tell you why I feel so strongly that something has to be done before our capital city of Toronto begins to resemble and suffer the fate of some of Europe's great cities.

Just last year I was fortunate enough, along with my wife and a group of friends, to visit Hungary and their capital of Budapest, a charming city to be sure, with a metropolitan area that is resplendent with churches, government buildings and commercial structures that glorify the landscape. Unfortunately, it's all spoiled by an overwhelming display of graffiti on building after building up and down the main streets of the city. These are not fresh displays. Their existence relates the frustrating struggle of hundreds of wounded and captive spirits over the years to have their joys and sorrows on record.

Perhaps I'm being overly kind here when I credit the scribbles with a motive other than vandalism, but let's accept the presumption of a lack of malice. Nonetheless, the architecture of these twin cities separated by the Danube is degraded by those unwanted frescos.

Upon my return to Toronto, I began to notice just how much this defacing of walls, postboxes, telephone and electricity units has expanded in our fair city. Toronto and other urban centres now face a similar fate, unless we take steps to eliminate new displays of graffiti and eradicate the offending renderings that have grown to assault our senses as subway trains, buses and cars roll by or be forced to endure these unwanted intrusions forever.

A review of the efforts of Canadian cities, through their municipal councils, is in order.

Vancouver, way back in 1994, declared war on the rascals smearing city walls with graffiti by these punitive measures: every owner of real property must remove from that real property any unsightly accumulation of graffiti within 10 days after the director of permits and licences causes a notice to be served upon the owner requiring such removal. Secondly, if an owner defaults in

removing any unsightly accumulation of graffiti, the city, by its workers or others, may enter the real property and effect such removal at the cost of the defaulting owner. Finally, if an owner defaults in paying to the city, within 30 days after receipt of demand for payment from the city, the city may recover from the owner by putting their cost on the tax bill.

Victoria responded to this menace with even harsher penalties. A 23-year-old Victoria man has already served jail time for doing thousands of dollars of damage to three local businesses. He spent 16 days in jail after pleading guilty in provincial court out there to three counts of mischief under \$5,000 for tagging buildings. Three other people have been charged and their cases are before the courts.

It is estimated that graffiti removal costs \$2 million to \$3 million a year in downtown Victoria. The police believe 12 to 15 hard-core addicts are responsible for 80% of the graffiti in the downtown area.

Then there's Montreal's experience when they had to shut down their contribution to the Great Millennium Wall of Canada project back in 2001 after the graffiti applicators chased out the real artists and destroyed their mural. "Right now, Montreal does not have any laws about graffiti removal," said Montreal city officials. Montreal has spent millions of dollars, including \$1 million this year, helping property owners clean up graffiti on their walls, but ultimately it isn't the city's responsibility and will have to be done by owners.

Chicago, Philadelphia and New York require building owners to remove graffiti at their own expense.

Yet nobody has tried harder and more recently than Toronto with its proclamation that declared May 2002 as Graffiti Reduction Month. Graffiti, as embodied within the program context, is specific to the unlawful defacing of both private and public property through the use of this kind of writing.

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Here are the common targets, and if you look around Toronto you will quickly relate to the list: public and private buildings; parks and recreational facilities; public transit vehicles, stations and shelters; public telephone booths; railway cars; bridges and overpasses. That's why I'm suggesting that a \$5,000 fine for each offence is in order.

The dimension of the graffiti problem is clear and well chronicled, and the least the members of this House can do is support my bill and let our municipalities know that the senior level of government supports their efforts to clean up and maintain the public's right to have unwanted, unintelligible etchings rendered unacceptable in our society.

The problem of erecting or attaching advertising signs to public property is a much easier law to enforce. Simply put, the offender is clearly identified by the message on the sign. It is patently a scheme dreamed up by some companies to advertise without cost. I recall that when Avenue Road Roofing started this trend and were quickly joined by Alpine Roofing, then an assortment of

other roofing firms got in on the act. Lately, they've been erecting these unwanted signs around the Queen's Park Legislature, and I think this is the final straw. Many intersections are littered with 1-800-GOT-JUNK signs, and now an ever-increasing list of small business offerings are sprouting up like weeds.

If the bill becomes an act, through third reading and royal proclamation, we should encourage our municipalities and police forces to crack down on the well-known offenders. What's the use of beautifying the main streets in our cities and towns and then letting them be marred by unwanted and illegal advertising messages?

The offence is straightforward and remedial action should be swift: get the gratuitous signs off our public property or pay the consequences.

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to join the debate to offer my support for the bill and congratulate the member for bringing it forward. I think it's actually quite an important bill.

I've watched with interest New York City's rejuvenation. In a 10-year period, New York City has recovered enormously. One of the things they did was to clean up the city, and one thing they cleaned up was the graffiti. For those who may remember New York City 15 years ago, when you rode the subway there it was filled with graffiti. Not that I visit there very often, but I did go down a year ago for Canada Loves New York—all at my own expense, by the way, just in case the taxpayers are understandably worried about politicians using their money. I took my grandson down, and my daughter. You have to be impressed with what New York City has done.

I came to understand this issue through a very good friend of mine, a police officer who was on the Toronto police force as an emergency task force officer. I coached hockey with this individual. He got in a car accident and became a quadriplegic, had no use of his hands or lower body. I give the Toronto Police Service a lot of credit. He went back to the Toronto Police Service full-time as a constable under then Chief McCormack, by the way, and then Chief Boothby and then Chief Fantino, all of whom were supportive of this.

One of his jobs was to deal with youth gangs. He became Canada's expert on youth gangs. No one knew more about youth gangs than my friend Brian Keown. We'd drive around Toronto—he drove an adapted van; quite an extraordinary individual—and he would point out graffiti for me. He'd say, "That's X gang. That's Y gang." He could identify virtually all the graffiti and could tell you what youth gang it was associated with. My friend Brian would tell me that it is important that we not allow this to continue, that, quite apart from the points my colleague Mr Kells mentioned about just the sight of our city, there's another aspect to this that's real. My friend Brian Keown would, not lecture me, but kind of encourage me to recognize that this isn't simply a case of some individuals deciding to take their artistic merit and display it on a wall or a freight car or the side of an arena; it also had, in many cases, some other implications.

So I think this piece of legislation, while seemingly relatively minor, is important on a variety of fronts on the graffiti side. I take to heart the New York City experience. I think there are things we can learn from what happened in New York City. One of the things they did was that they recognized—and you can actually see this in your own life. If a neighbour's house begins to deteriorate a little bit, it influences the neighbourhood, whether we like to acknowledge that or not. If we were to allow this to continue to grow, I think it does have a synergistic effect on how clean our urban areas are; it's probably not just related to an urban area, but it tends to be where it's most prevalent. So it is, in my opinion, a solid idea.

I am also supportive of the part on the illegal signs. On a personal note, we have a cottage up north, and as I drive up there, I'm a little bit discouraged at the increasing number of signs along the side of the road. The Haliburton area is a gorgeous area that I love to drive through because it's beautiful, but almost weekly, as I drive there, there are more of these signs along the side of the road. And certainly I represent an area in Toronto and I see these signs growing, particularly over the weekends when they know there aren't crews out there to take them down, so you'll see on a Friday night, in the community I live in, these illegal signs put out visually polluting the neighbourhood. As my colleague pointed out, from a fairness to business point of view, it is unfair that someone can put up a sign illegally to advertise when other businesses do the legal thing and advertise through normal commercial channels. From a commercial point of view but certainly from a visual point of view it's wrong.

As we look ahead, as we've often talked about here in the Legislature, our services, our police services, our municipal services, have got fewer and fewer resources. It's just a fact of life. Our police services obviously are dealing with major issues. Our municipal services are also dealing with major issues. This should not be an area to which they have to constantly be allocating resources; this should be an area where we as a society say, let's collectively find a way that we either eliminate or dramatically reduce this as a problem, the two problems mentioned in this bill: the graffiti part and the illegal signs. I think it's unfortunate that scarce municipal resources are required to go out, often on a Monday, and take these signs down, or else they simply stay up. In the area I represent, there is a roofing company that has many signs up. I won't mention their name. It sounds like Alpine, though, I think. It's a blue sign—not a Conservative blue sign, an Alpine sign.

1020

We're here dealing with private members' business, and a member has taken the time to bring forward I think a constructive piece of legislation. Now, there may or may not be some things in here that require some fine-tuning; I simply don't know. I would hope the Legislature would pass it and it could go a committee so that municipalities or police services or those directly affected

by it might have an opportunity to comment on it. But that's not to be interpreted as any lack of support; I am wholeheartedly in support of it.

I want to return to where I began. I know a little bit about this issue primarily because of a very good friend of mine. I mentioned that this friend, Brian Keown, was on the police emergency task force, got in a car accident and became a quadriplegic, and the police services hired him back as a full-time regular constable. By the way, he was promoted to detective; he competed against 500 people and he's one of the relatively few who were promoted. I take my hat off to the Toronto Police Service for making sure they were able to accommodate that. We coached hockey together before he had his accident and we kept coaching for 15 or 16 years after that. He had an electric wheelchair and he'd go on the ice and coach. He was one of the really fine coaches in the league I was in. Tragically, by the way, he passed away on February 10 at a young age, of cancer. Actually, the city of Toronto is recognizing him in an award ceremony next Monday at Toronto city hall. It's well deserved.

As I say, I come to this issue with some pretty direct experience in it. The messages I got from my friend Brian Keown, originally Constable Brian Keown and then Sergeant Brian Keown, was that this is not simply a harmless expression of creative talent. In many, many cases it is a way of gangs staking territory. We have a challenge in the province, particularly in the major urban areas: there are gangs. That is a reality that our police services are attempting to deal with. I believe it is not simply a policing matter. I think there are things we can do to assist the police in it, both in terms of resources to try and get at the root causes—and by the way, Chief Fantino has talked often about that, that he needs help from the rest of the community in dealing with some of the root causes that lead to individuals participating in gangs. Having said that, the fact is that there are gangs of individuals that need to be dealt with. You may say, "Well, this is but a small part of it," and it's true; it's but a small part of the gangs, but it is a part that we can deal directly with.

The cost associated with this vandalism is not insignificant. Again, as I understand the experience in New York City, if you don't aggressively deal with this, it just keeps expanding and expanding and expanding and the costs of dealing with it rise. But for New York City they were finding that it was also impacting on tourism, it was impacting on the economic well-being of the city of New York and it was in some different ways affecting gang activities.

So I think this bill, as Mr Kells, the member for Etobicoke-Lakeshore said, is partially a signal to our municipal partners that we understand this is an issue and we will do what we can to support them in dealing with it. But to the public who are watching it and saying, "Is this an issue, really? What are you doing spending time on this?" I say it is an issue. It is an issue of cost for our municipalities to try and deal with the symptoms of this. It's an issue that, if not dealt with, continues to grow. It's

a—cancer is too strong a word; it is an activity that kind of feeds on itself if you don't deal with it, and if we simply accept it, you stop seeing its growth, stop seeing that it's getting out of hand. So I agree with dealing with it and dealing with it quite aggressively, which I think this bill does.

As I said before, I would hope and suspect that it might go to a committee, although maybe the member has already checked with those affected, AMO, the Association of Municipalities of Ontario, and our police services, and maybe they're quite comfortable with all the details of it, and so be it. Frankly, I would rather have it passed than go to committee and die, obviously.

As the member from Etobicoke-Lakeshore said, it is primarily dealing with graffiti, and then there's the other aspect of illegal signs, which I too support him on because I see in my own community the growth of it. There's an unfairness to the rest of our, dare I say, honest businesses that are prepared to invest their money in advertising only to find that somebody else is doing it essentially for free right under their nose.

It's a bill worthy of our support. I would hope we will see it passed today, but more importantly, that it will get its way moving quickly into law so we can show our municipal partners we're with them.

Mr Michael Prue (Beaches-East York): First of all, I commend the member for Etobicoke-Lakeshore, Mr Kells, for bringing forward this bill and for an opportunity to debate it today. I do have to tell him that I don't know how the rest of my caucus is going to vote on this, but I personally think it is an idea that is deserving of some support.

As you travel around this country, especially in urban areas, you will see increasing amounts of graffiti and we as governments, at all levels, seem to be powerless to stop it. You will see the graffiti in the form of signs. We've already talked about the roofing companies, but you will see all types of people putting up signs along our roadways, our streets and our parks in literally any place they are visible to passers-by, be they in a car or be they walking. You see those signs that are supposed to make us as consumers want to use the products. The first thing I would say to anyone who finds them offensive is to phone the company, as I did on one occasion, and tell them that if I ever needed my roof repaired they would be the last company on earth to whom I would go. I think that kind of thing that a consumer can do will speak volumes to a company that is attempting to use that kind of visible pollution of our environment.

You also see graffiti in terms of vandalism where people go out simply to vandalize a property by spray-painting it, usually with some ridiculous type of painting or something which I would not want to call public art in any of its forms. It is simply an act of vandalism for which the Criminal Code has just penalties of up to two years less a day.

You see graffiti that many people do not understand, but it is often in the form of hate messages. It has symbols from groups, sometimes ethnically based, some-

times not, sometimes skinheads, offering hate against other people in our society. The police will tell you what some of these are. I was absolutely shocked the first time I was given a whole list and the gangs to which they were related, to the ethnic rivalries they documented. Last but not least you have gang turf symbols, where people put these signs up to indicate to all and sundry that the gang is in control in that particular quarter or that particular neighbourhood of the city.

These are vandalisms to all of us and they need, quite frankly, to be stopped. There has been an overriding failure of the Criminal Code and the justice system and the police to deal with this. I'm not sure that this bill is going to stop any of that, but it certainly is not going to do any harm. For those municipalities that do not have a bylaw on graffiti, this will be at least a minimum for them to aspire to.

1030

I suggest that what we really need in this society that might go beyond this bill are three things. First of all, we need an education forum. We need to get out to, primarily, the young people who are spray-painting; to the companies that are posterizing and putting up signs; and to gangs. We need to get out to everyone to tell them that this is a Criminal Code offence and it will not be tolerated. I'm going to speak a little bit later about the experience in the city of Ottawa. Certainly, education has to be prime, and I do not really see it in this bill. We need to be spending some resources, some monies, either in the schools or directly one-on-one with street people to ensure that they know this will not be tolerated.

The second thing we need to do as a community and as a province is to help fund those who would eradicate the graffiti. We need to fund the municipalities, the townships, the highway departments and the hydro commissions which are forced every day to go out there and remove the graffiti. We need to make sure that there is sufficient funding in our cities, which today are far too often finding it difficult to make ends meet. The tax base is not increasing, and we all know the difficulties that cities are having on a whole broad range of issues, from housing to transit, to maintenance of the parks and sewer and water systems. To add another cost to remove graffiti is simply beyond their abilities. A senior level of government, like the province, should be making funding available if we are serious about removing it throughout the length and breadth of this province, and making some sort of effort to get that funding.

Last but not least, and I think most importantly, we need to empower ordinary citizens. That is not in this bill. I am taken back to a time when I was still a councillor in the borough of East York before I became the mayor. There was a fellow councillor who has since sadly deceased, Jenner Jean-Marie, who represented the Leaside area of East York. He organized the people of the Leaside community to be graffiti busters. He encouraged them and told them how to go out and literally rip the signs off the lampposts. To this day, you will probably find fewer signs on lampposts in the Leaside com-

munity than anywhere else in the city. Even though Jenner Jean-Marie is gone, his little army continues. They go out and they tear down the signs whenever they see them on the lampposts. The community will not tolerate them. I invite any of you to go through that community, even today, and you will be surprised, you will hardly ever see a sign on a lamppost.

The community is tolerant of people who are holding a garage sale or lost a cat and put up a few signs, but they expect within their own community that someone will take those down after the garage sale is finished, or after the cat has been found, or after a reasonable period of time. If it is not, they take it down and they will actually take it back to the offender.

What we need to do as a society is to empower people to do this. I am convinced that if we do this in the beginning, and people feel confident to go and take those signs down, there will be far less vandalism and far fewer people willing or wanting to put them up.

Many municipalities already have more stringent bylaws, especially the big ones: Ottawa, Hamilton, Toronto and Windsor. They all have more stringent bylaws. The courts, though, have very much hurt the case of those who would fight against graffiti. Two cases—immediately, of course, is the famous case of the city of Peterborough and Supreme Court of Canada back in 1993, where the city lost its case before the Supreme Court in trying to prosecute someone who was putting up illegal posters contrary to the city bylaw. Of course, the Constitution and free speech was brought into that.

There was a second case that is not quite as well known, *Regina v Quickfall*, in which they said posterizing in and of itself, putting a poster on a hydro pole, was not an offence under the Criminal Code. I think this has caused considerable angst in all the municipalities.

There have been several suggestions today about New York City, talking about how they cleaned it up. With respect, they didn't clean it up with a bylaw like this. They cleaned it up through aggressive action in removing the graffiti and getting citizens to speak out and stop the graffiti from taking place in the first place. In the case of the United States, both in the city of Seattle and in New York City their bylaws on graffiti have been overturned by the courts. So I want us to be very cautious about thinking that this bylaw may in and of itself do what it's intended to do.

I support the bill because it does no harm. I support the bill because it gives all those municipalities that have not yet passed a bylaw something to cling to. There are some who will not support the bill, I'm sure, because it infringes upon the right of free speech, as set out by the Supreme Court of Canada in the famous Peterborough case.

I'd like to go back to where I started: the need for education. We need to go out to the young people and those who are committing the graffiti and tell them it is not acceptable. We need to inform every member of society it is not acceptable. Secondly, we need to fund cities and municipalities.

The city of Ottawa today spends \$400,000 removing graffiti. That may sound like a lot of money and you would think you could do a lot of work with that, but in fact it is a very limited graffiti program. In the city of Ottawa they use some of the money, I understand around \$100,000, to go out to people who are called taggers, those who actually put the graffiti on the walls and public buildings of our capital city. They try to educate them and tell them it is not acceptable and get them to cease and desist.

They have also set up areas where graffiti are allowed. They understand it is impossible to obliterate it everywhere. There are building hoardings and places where graffiti are allowed and where the taggers, if they must practise their art, are encouraged to go to a hoarding around a new development or a site where graffiti will be allowed, and it will be taken down and will not cause huge public harm to existing buildings.

They do other things. In the downtown core on Bank Street and Rideau Street they have an eradication policy. They have a paid contractor who goes out every day and looks up and down Bank Street and along Rideau Street, the two main commercial streets in that city, looking for graffiti. They have other paid contractors who do nothing except take those graffiti off the walls. This is very expensive. It's about \$300,000 a year to do this in the Ottawa pilot project. One needs to understand that in a city that is, I think, the third-largest or fourth-largest city in Ontario—maybe it's even the second largest. I'm just trying to think about that.

Mr George Smitherman (Toronto Centre-Rosedale): Ottawa is second.

Mr Prue: Bigger than Hamilton?

Mr Smitherman: Yes, almost twice as big.

Mr Prue: All right. It's a large city. Their program at \$400,000 does two streets. That's all. Ottawa cannot, with the monies available to it, eradicate graffiti throughout that capital city. That's their experience. They need help, and they need more help than is in this bylaw.

We have the city of Toronto. The city of Toronto has a bylaw that has not yet been enacted because they cannot get community consensus. They are attempting to limit signs and signage to 4,500 poles in the city of Toronto. There are approximately 100,000 hydro poles in this city and they are trying to limit it to 4,500 poles or about 4% of all of them. There is a proposal that there be a \$60 fine for every illegal sign that is put on any of the balance of the 95,500 poles where you are not allowed to do it. They are going to put plastic sleeves on the ones where it is allowed.

But there is a huge community uprising against that, which might be surprising to people, because people believe in free speech and the right to put out their signs, whether it's to advertise a babysitting service, to find a lost cat or to do whatever, and the city of Toronto has been singularly unable, with the threat of being taken to court, to act.

1040

We have the example of some cities. My assistant in my office has recently come back from Spain and she

told me a remarkable story of how every morning there was a whole graffiti squad in the town she stayed in that goes out and, with high-powered sprays, literally sprays off the graffiti that were painted the night before and takes down the signs. That city is spending an inordinate amount of money, but they are doing it for tourist reasons. Something I think we should remember: tourists don't want to come to a city, don't want to come to Toronto or Ottawa or Hamilton or Niagara Falls or Thunder Bay and see graffiti all over everything. It is not the image we have of ourselves as Ontarians or Canadians.

Last but not least, we need to empower the citizens. We need to tell people it is OK to take the graffiti down. We need to tell them it is their duty to take the graffiti down. We need to tell them it is their duty to report when they see people spray painting or causing damage, and not to look the other way. We need to have ordinary citizens in our community understand that when that violation is done to a piece of property, is done to a street or a road or a roadway, it is a violation to all of us, that it reduces our value as Ontarians, reduces the value of our property, and really diminishes us as a society.

I commend the member for Etobicoke-Lakeshore for bringing this forward. I will be supporting it, but I ask all of us: we need to go the extra mile to eradicate that from Ontario.

The Acting Speaker: I would like to bring members' attention to the members' gallery west. We have a former member, Mr Ed Philip, from Etobicoke-Rexdale, who represented those fine people in this Legislature in the 32nd through 35th Parliaments.

Further debate.

Ms Marilyn Mushinski (Scarborough Centre): I'm particularly delighted today to address this important bill from my esteemed colleague from Etobicoke-Lakeshore, Mr Kells, because I believe it's an issue that affects all of us. It's of considerable importance, not only to my constituents in Scarborough Centre and myself but to all the residents, as we've already heard, in this great province of ours.

One of the underlying principles of a democratic society is the right to ownership and enjoyment of one's private property. Graffiti, illegal advertising and other forms of property defacement undermine this very basic principle of good government. Graffiti are a crime that victimizes not only the property owner, but also the property owner's neighbours. It affects entire communities. It can be used to promote hatred and violence, cause fear and lead to crime and disorder and the general disintegration of community standards within a community.

In my 20 years of service to the people of Scarborough, I have learned the value of civic pride and I have witnessed the demoralizing effects of graffiti and other forms of property defacement. Many years ago the streets of Scarborough were once lined with illegal advertising and unsightly billboards. Car dealer advertisements that had long since lost their appeal competed

with run down and tattered billboards across the street. This made for neither a pleasant nor an inspiring drive through the city streets. It provided little, if any, incentive for investment. Property values suffered and economic development slowed. As a result, of course, the people of Scarborough suffered.

In addition, proliferation of graffiti raised public safety concerns in the community.

In order to protect the rights of citizens, the municipality adopted action plans to clean up city streets. In fact, it was the municipality of Scarborough in the late 1970s that introduced a sign code bylaw that has been challenged all the way to the Supreme Court of Canada—and has been upheld, I might add. To uphold this, we introduced stronger property standards enforcement which required timely cleanup of any illegal or unsightly advertising. We believe that the effect contributed to creating safer and cleaner communities, affected economic development in a positive way and brought back a revival of civic pride.

I believe that Scarborough residents are not alone in wanting better and more attractive neighbourhoods for themselves and their children. Concerns over graffiti and defacement of property have been echoed by many communities. An increasing number of jurisdictions, not only in Ontario but also in the rest of Canada as well as in the United States, have taken steps to combat this problem. In Toronto, May 2002 was proclaimed Graffiti Education Month. Communities and the police services worked together in an effort to revitalize urban areas, to make them more attractive to investment and to showcase the best that the city of Toronto has to offer.

But incentive for investment is not necessarily the primary objective of cleaning up our neighbourhoods. The partnerships that form between communities and the police services that seek to reduce crime promote social cohesiveness and reduce fear and disorder. Not only that; they send a clear message. They send the message that hatred and biased propaganda do not belong in our communities. They send the message that gang graffiti does not belong in our communities. They also send the message that cult graffiti does not belong in our communities.

I believe it's time for this House to extend the strong message to the rest of the province that we need to take steps to ensure that each and every resident in this province, regardless of the street or the community or the town or the city they live in, has the opportunity to enjoy their right to property. No citizen should be subjected to the distress and the fear that can result from hate propaganda. No city or community should be subjected to the distress that comes from freely showcased graffiti on building walls, private as well as public property.

We must support this initiative that encourages residents, especially youth, to take pride in their community. Of very special concern to me are the safety and security of my constituents. Community safety is tremendously important, and I'm sure that many members of this House share the same concern. I have repeatedly met

with community leaders and members of the police services board to discuss crime and its management. As a result of these meetings, I can tell this House that evidence shows significant costs to graffiti crime. The most obvious of these is the cost of cleanup and the restoration of property and the judicial costs. There are, however, other costs that, although not as obvious, have a more damaging effect on the community and society as a whole, and these are the social costs that include decreased respect for law and order, citizen fear and diminished use of public spaces. In addition, graffiti crime increases the likelihood of supply theft, leading to mischief and carrying the potential of more serious offences.

1050

Eradicating the defacement of property helps to reduce crime. It prevents citizens, and especially our youth, from treading on that very dangerous path that begins with a seemingly harmless prank but leads to serious disregard for the law and the safety of others.

These are serious concerns that plague many communities across our province. If we are to expect our citizens to take pride in their communities, we must address this serious symptom of social disorder. If we want our citizens to be active in crime management initiatives, community surveillance programs and other Crime Stopper initiatives, we must do our part and show our commitment to eradicating the problem of graffiti and property defacement.

Anti-graffiti legislation is not only a means by which we will encourage economic development and invite investment. It is not only a means by which we help our tourism industry to flourish. It is also a significant component of our war against crime. It is one more strategy we can utilize to ensure that Ontario is indeed the best place to live, work and raise a family.

Mr John O'Toole (Durham): It is indeed a pleasure to rise this morning. I do so, I might add at the beginning, in respect to the member for Etobicoke-Lakeshore and the interest he places on traditions and values. He is the member who previously introduced a private member's bill on the two-minute silence for Remembrance Day in respect to those who served their country, and it's in the same tradition that this bill pays respect in our communities and the ridings in which we live. This bill goes a long way in making a statement about making our communities, as the previous speaker said, better places to live and enhancing the quality of life and sense of safety.

In preparation for speaking on the member's bill, I got a copy of the bill. For those watching, I think it's important to recognize that it describes graffiti as including "any design, drawing or writing scratched, scribbled or applied by any means to or on any surface."

In fact graffiti, previous speakers might have mentioned, was a form of self-expression or a form of art or a modern-day kind of community—I don't know—territorialism in some respects. It may, in the gang sense, be demarcating their territory, and it certainly is in my view

something that needs to have clear direction from the province.

I commend the member for Etobicoke-Lakeshore, because I did survey the three principal communities in my riding of Durham. For those viewing, my riding of Durham includes the north part of Oshawa where there are lots of commercial plazas and other areas where this certainly can be a problem. It also includes Port Perry, which is a wonderful community on the shores of Lake Scugog. In Palmer Park in the downtown area, they have had from time to time small problems with this situation on sidewalks, walls and other meeting spots, if you will, and also in the municipality of Clarington, which of course is a municipal area which includes a lot of communities, Bowmanville being the largest one, Newcastle and Orono, a smaller, rural-setting community where graffiti wouldn't be to a large extent, yet there are youth issues there that are being addressed on a continual basis. But it includes smaller communities like Hampton and more growing areas like Courtice. Young people to some extent get frustrated and they do tend to congregate because they may be bored or just want to hang out together.

When it comes to a general sense, in my research in Oshawa there is a municipal bylaw, which I'll mention to some extent later, but in Clarington there is no such bylaw—I think there's just a "good fences make good neighbours" approach to it—and in Port Perry there's no existing bylaw. This gives them a framework by which they have a tool to use as an enforcement mechanism to make our communities more beautiful, more pleasant and the sense of feeling safer, I suppose.

But to that extent there is a bylaw in the city of Oshawa, a very large city in the riding. I do share that with the member from Oshawa, the Honourable Jerry Ouellette. Their bylaw is bylaw 01-2002, so it's very recent. It's section 5.3.2. I'll read it. "Exterior walls of a building (and their components) shall be free of painted slogans, graffiti and similar defacements."

I was listening to the NDP member earlier. He talked about the very famous Peterborough case, where the courts determined that it was a freedom-of-expression issue. Well, I think freedoms have boundaries. I think with freedoms go responsibilities, or with rights go responsibilities. I think in many cases this activity is unacceptable and to some extent it could be slanderous, it could also be discriminatory, it could have messaging that is in conflict with what in our common community view is acceptable behaviour. But it runs very closely into the whole issue of vandalism. I think of most of it as being vandalism.

I guess there can and should be room for it being a forum for artistic expression. Well, do it on your own fence or do it on your own house. But I think it's important to recognize that it isn't acceptable in most cases.

But I will say that the municipality of Clarington has the Clarington youth group, which congregates at the Firehouse Youth Centre. It's administered by the John Howard Society. There are approximately 200 members.

They're supervised by adults and provided a bunch of activities under very capable leadership. It gives young people a place to collect. They work with the Durham Regional Police and community policing officers.

But I think a very important program, in the final moments I have here, is the Clarington youth group advisory committee, which received \$6,000 recently from our provincial Solicitor General for the purpose of promoting youth development in the area. They intend to purchase anti-graffiti paint with the money. The idea is that the graffiti can be washed off, cleaning the surface with hot water and pressure. It is the intent of the Clarington youth advisory committee to use the paint purchased to create murals in some locations in Clarington where graffiti and vandalism are a problem. In fact, most of the design and work would be painted by those very members of the local youth group.

So there's a case where they are making a positive statement. I believe that this bill will be one more signal that this province promotes beautification in our communities for a great place to live, work and raise our families.

The Acting Speaker: Response?

Mr Kells: In the two minutes I have left, I'd like to summarize by saying I believe that my bill merits your support. There is no more decisive illustration of support than a strong section in the new Municipal Act, 2001, under the heading "Closing premises, public nuisance." This legislation passed during the spring sitting, and it allows the court to take action to prevent abuses of property. Under the "public nuisance" heading, the presence of graffiti is included as a reason for the court to take action to protect property rights. So this government has taken action and added graffiti right into the new Municipal Act.

Since I represented the minister at the committee meetings on this new bill, I know that our municipalities were pleased to learn of these extended powers to the Municipal Act. Yet it is possible to help these wayward artists if some effective communication can be established. I think the honourable member from the NDP spoke to that.

Now may I paraphrase a statement made in the House by Brenda Elliott, MPP for Guelph-Wellington, back in November of 1999. She said, "In the spring of 1996, Guelph police noticed a disturbing increase in the amount of graffiti in the city of Guelph. An officer took it upon himself to find a strategy to combat this problem.

"He first solicited the help of a known local graffiti artist" and then worked rather quickly to track the perpetrators down. He got them to put their graffiti on legitimate areas. It all worked out rather well.

This Legislature, in supporting my bill, will have sent a clear signal to perpetrators that we no longer tolerate these abuses of public and private property. The same thing goes with our ability to help municipal councils enforce their bylaws in our new legislation.

The Acting Speaker: This completes the time allotted for debate on this ballot item. I will place the question to decide this matter at 12 o'clock noon.

1100

**MOTORCYCLE AWARENESS WEEK
ACT, 2002**

**LOI DE 2002 SUR LA SEMAINE
DE SENSIBILISATION
À LA MOTOCYCLETTE**

Mr Stewart moved second reading of the following bill:

Bill 201, An Act to proclaim Motorcycle Awareness Week / Projet de loi 201, Loi proclamant la Semaine de sensibilisation à la motocyclette.

The Acting Speaker (Mr Michael A. Brown): The member for Peterborough has 10 minutes for his presentation.

Mr R. Gary Stewart (Peterborough): I am pleased to have the opportunity to introduce An Act to proclaim Motorcycle Awareness Week. If this bill passes, it will declare the first Monday in May of each year as Motorcycle Awareness Week in Ontario. The bottom line of this bill is about safety, education and awareness. It relates to the motorcyclist but, equally as important, it addresses the motorist as well.

There are 102,000 officially licensed motorcycles registered in Ontario for road use. As well, there are untold numbers of motorcycles for off-road use, totalling 570,000 motorcycles. And 9,121 more riders were licensed in 2000 than in 1999—a 7% increase, and it's continuing to increase daily. They are 7% of the driving force in Ontario.

Motorcycles have been used for transportation and recreation in Canada and indeed around the world for years. In fact, they have been an important transportation vehicle in both war time as well as in peace time.

In May, there is an annual renewal of motorcycle enthusiasm. Over the last 20 years, organizations across Ontario have promoted and participated in motorcycle awareness campaigns. Some cities and towns in this province have proclaimed May as Motorcycle Awareness Month or Motorcycle Awareness Week, depending what the municipality chose.

Motorcycles are not a toy. They are a high-speed, powerful mode of transportation and must be ridden safely and responsibly. These days, with the high cost of fuel, motorcycles are seen as an economical form of transportation and are becoming more and more popular every day. Moms and dads, grandfathers and grandmothers, sons and daughters are turning motorcycling into a family sport. We want it to be a safe family form of fun. Less than 2% of all riders are involved in motorcycle gangs. They are becoming a nonentity in motorcycling.

If we are to promote safety both for motorcyclists and motorists, we have to develop and promote skills and awareness of proper habits on how to handle motorcycles and also good road habits, which should be apparent but sometimes are not, especially with we motorists.

In my riding of Peterborough, Sir Sanford Fleming College offers a motorcycle awareness and skills course. It focuses on safety, basic motorcycle tips, riding habits, how a motorcycle works, basic skills and how to practise them, what hazards they must be looking for while they're riding, emergency braking and collision avoidance. The course is more comprehensive than most automobile driving courses. This course is endorsed by all levels of government and the insurance advisory organization. This course has gained recognition as the finest rider training program anywhere in the world.

The motorcyclist indeed is very vulnerable when on the highway. All of the motoring public must recognize the importance of sharing the roadway. Safe driving habits and an overall awareness for all those who travel Ontario highways are essential. We all have a right to use our roadways. As we drive our cars and trucks down Ontario highways, we always seem to be aware of those trucks, transports and other vehicles that can be seen very easily in our rear-view mirrors, but motorcycles can be missed. They could be in the blind spot of our vehicle, or we could just fail to realize or remember that they also have a right to be on our highways. Motorcycles are a relatively small component of the total traffic mix, therefore their visual recognition is reduced. Many drivers do not anticipate routine encounters with motorcycles in traffic. Again, motorcycles are smaller visual targets and are more likely to be obscured.

Let me comment on a couple of safety tips that are very important to motorcyclists. I believe they are also very important to motorists.

Be very cautious during the first rain after a dry spell. All the oil that has accumulated on a road comes up in the first half-hour and is very slippery. Sound familiar? Yes, indeed it does.

Motorcyclists, when passing parked cars, stay to the left side of your lane. It's somewhat similar to what we should be doing when we're driving our cars or trucks.

Look ahead. Plan ahead. Look as far down the road as you can. Pay close attention to colours and shapes on the road surface, for example trash, puddles, new asphalt, bumps, cracks, holes and fluid spills. Again, I believe looking ahead and planning has as much to do with when you're driving a car or truck as it does when you're riding or driving a motorcycle.

These suggestions should be practised every time we hit the road if we are to be responsible drivers. All of us know we should slow down before entering blind turns and be watchful at intersections and when passing driveways and alleys.

Members of this Legislature, these are all awareness and safety issues that we all should practise on a day-to-day basis.

This bill is about respect: respect for each other, the motorcyclists and all the motoring public who practise responsible driving. Long gone is the stigma associated with motorcyclists, and so it should be. Today lawyers, doctors, teachers, businessmen and businesswomen, people from all walks of life ride bikes. They pay big

prices for their equipment and contribute to the economy of this great province.

This summer I had the opportunity of opening the official HOG rally at Trent University in Peterborough. There were over 2,500 bike riders there. A tremendous amount of dollars was represented in the vehicles I observed in front of us when we opened it, and the people who were there were so enthusiastic. The Golden Helmets from the OPP were there showing their form but also passing on safety tips to many of the riders. By the way, "HOG" stands for Harley Owners Group, a wonderful group to be associated with and be part of.

In my riding last year, we had too many deaths, too many accidents, too many riders left with physical and mental disabilities due to motorcycle accidents. In 2000, there were over 437 motor vehicle fatalities; 37 of those were motorcycles drivers.

By declaring Motorcycle Awareness Week, maybe, just maybe, we can save some lives and some limbs. I encourage all members to support this bill. It is imperative for citizens of Ontario to be aware of motorcycles on our highways. This is a very non-political issue. I would hope the members of this House will support this bill. Just maybe we can save a few lives.

1110

Mr Steve Peters (Elgin-Middlesex-London): I'm pleased to stand up and offer my unequivocal support for this bill in front of us. The honourable member had put it forward earlier, but because of his position within the government caucus it couldn't be dealt with. Now he's had the opportunity to bring this bill forward, and I think it is important. As he pointed out, safety education and awareness is definitely a two-way street. We need to do everything we can to help support this bill.

The history of the motorcycle is very interesting. The motorcycle is a direct descendant of the bicycle. The first bicycle, as we know it, appeared around 1800, and the motorcycle is an evolution of the bicycle. Gottlieb Daimler is credited with building the first motorcycle in 1885, with one wheel in the front and one wheel in the back, although it had smaller wheels, almost like training wheels, on each side. This motorcycle was constructed mostly of wood, with the wheels being iron-banded, wooden-spoked, wagon-type wheels. It was known as having the bone-crusher chassis. It was powered by a single-cylinder auto cycle engine. There were also some earlier experiments in the United States in trying to develop a motorcycle, but it was steam-powered. In 1867 a gentlemen by the name of Sylvester Roper developed a charcoal-fired, two-cylinder engine attached to a bicycle. The earliest designs started out with three- or four-wheel vehicles, but eventually settled on the two-wheel variety.

The first successful production of a two-wheeled motorcycle began in Munich, Germany, in 1894. By 1895 there was a French company building an engine that led to the mass production of motorcycles. The first North American production of a gas-fired engine was by the Metz Co in Massachusetts in 1898. Later on we saw the Indian Motorcycle Co formed, and then the company

that the honourable member made reference to earlier on, Harley-Davidson.

In 1903, 21-year-old William Harley and 20-year-old Arthur Davidson made available to the public their first production of a Harley-Davidson motorcycle. The factory was a 10-foot by 15-foot wooden shed, with the words "Harley-Davidson" inscribed on the door. The first dealer opened in 1903 as well. He sold one of the first three mass-produced Harley-Davidson vehicles that year. The Harley-Davidson vehicle is quite common on the roads; we see it in particular with police services across this province. In 1908 the first police motorcycle was sold to the Detroit police department.

Harley-Davidson has certainly been actively involved in trying to improve the motorcycle over the years, along with other companies. Just following through on a bit of chronology of the motorcycle, the first front-wheel brakes appeared on a motorcycle in 1928. In 1939 we saw the first flashing turn signals appear on a motorcycle. In 1940 the first sealed-beam headlights appeared on motorcycles. We started to see some evolution in the industry, and in 1949 Honda manufactured its first motorcycle. In 1952 the first hydraulic brakes appeared on motorcycles. In 1953—and this is in recognition of some of the safety issues, and many of the points I've made dealt with safety on motorcycles—the first patent for a protective helmet with an energy-absorbing liner was issued. Staying with the helmets, in 1957 the Snell Memorial Foundation was established to help create and improve the standards of motorcycle helmets.

Rear suspension was introduced on motorcycles in 1958. In 1959 the Japanese invasion into motorcycles began, with Yamaha first entering the market in that year. In 1967 Bell Helmets introduced the full facial cover. In 1980 there was the first motorcycle international safety conference. That's what we're dealing with with this bill here: safety.

We know that the motorbike or motorcycle has been on the road for well over 100 years, but we need to do more to understand and recognize, as was pointed out earlier, the two-way street that exists: not only do we need to ensure that the operators of motorcycles are fully trained but we need to ensure that drivers of other vehicles on the road, be they cars, trucks, or large transport trucks, understand the motorcycle as well. We need to understand and we need to ensure that when safety manuals are being developed for individuals, for young people going for their driver's licence, there is an inclusion of awareness of motorcycles.

I want to commend the Bikers Rights Organization of Ontario, otherwise known as BRO. The Bikers Rights Organization has worked hard over the years to try and raise the issues of safety education and awareness. Every year, in May, they hold a Motorcycle Awareness Week. I've been privileged, at least since 1992, to have been in St Thomas welcoming motorcycle riders from all over southwestern Ontario as they held their annual awareness rally. They use that rally as an opportunity to not only educate themselves but educate the general public, giving

them a better understanding of the motorcycles on the road. I want to commend them as well.

There's an individual in my riding, whose name is Steve Northey. Steve has worked very hard at trying to ensure that issues dealing with motorcycle safety and awareness have been brought to the forefront. But they've been involved in other areas as well. Every fall, they have their annual toy run, and this is always the prelude or the kick-off to the Christmas season. Every year, hundreds and hundreds of motorcyclists will converge on St Thomas. They begin their ride in London, and they each come packing a toy that becomes part of the local Christmas Care campaign that is operated through the Salvation Army. I commend them for that and their toy run.

The honourable member talked about motorcycles and of the sheer beauty and value of the motorcycles. One only needs to go look at the care and time that individuals have taken to customize some of their bikes and to create truly showcase vehicles. They are, in many cases, works of art, and they are also extremely valuable. They take pride in their vehicles.

It was interesting as well when the member talked about attending the Harley Owners Group, the HOG, group rally in Ottawa. There's something so distinctive about the Harley-Davidson motorcycle, the sound of that bike. My neighbour Murray has a Harley-Davidson and when he pulls home on the weekend and he fires that bike up, you know it's him. The sound travels around the community, and you can hear a Harley travelling down the street, and some of the sounds are distinctive. I can pick Murray's bike out as he's coming home.

I look at another friend of mine, Joe Olsen. Joe lives outside of Detroit, and Joe has been riding motorcycles since the 1940s and he takes great pride in his motorcycles. He has at least three in his own collection and he has done everything he possibly can to ensure that the heritage of early motorcycles has not been lost. Much like an individual takes pride in his car, Joe has taken pride in his motorcycle. Joe—I give him credit—this past summer, drove all the way from Detroit to Winnipeg on his motorcycle. That's quite a ride, and I commend him for that.

I really say thank you to the honourable member for bringing this bill forward, because we need, as legislators, to do everything that we can to increase awareness of motorbikes on the roads and do everything that we can to educate the public, because any death, one death, is one death too many. If this bill can work toward improving awareness and we can save one more life, then this bill has proved its worth. So I commend the member and I assure the member that he will have the full support of our caucus with this legislation.

1120

Mr Tony Martin (Sault Ste Marie): I want to confess right off the top that I don't ride a motorcycle, nor do I own one. So I don't have a conflict of interest here as I speak to this bill, whether to promote it or not.

I know there are folks out there who just love to ride motorcycles. We hope they do it safely and understand

the correctness of making sure that they have their helmets on, that they're dressed appropriately and that they take all the precautions necessary, without our having to focus on a Motorcycle Awareness Week. Although this particular proposal may have some merit, I'm here this morning to listen to the comments of others, such as the members who have spoken already and, I'm sure, the many others who will speak later this morning.

Motorcycling is one of those two-edged swords. As the member who introduced this motion this morning indicates in some of the material he has put out, motorcycles are not toys. They're very powerful machines. If they're not used properly, they can be very dangerous, and because of the lack of consideration, understanding and attention by other large vehicles on the highway, they can often be in jeopardy even though they themselves take all the safety precautions that are necessary.

I want to put a few thoughts on the record this morning by way of challenge to the member. He can respond to them in his closing remarks or perhaps others who are supportive of recognizing the first week in May as Motorcycle Awareness Week can respond, so that I might understand more fully how these issues are going to be considered in this. Then I can make up my mind whether I want to support it or not this morning.

One side is the fear that we may take this very powerful machine, this activity that can be very dangerous if one doesn't pay attention, and take all the safety precautions, understanding as well that other vehicles out there aren't always as conscious and aware of motorcycles on the road as they should be, and that by focusing on motorcycling and setting a week aside for awareness, although I recognize the member is talking primarily of awareness from a safety perspective, we may also go a distance to romanticizing in some way this activity of riding motorcycles.

For example, I'm thinking of my own kids here, so I may actually have a conflict of interest, in that one of my boys I know has talked about having a motorcycle and riding a motorcycle. I'll tell you, it scares me big time to think of him out there on the road on a motorcycle. I'd prefer he buy a car. I think a car is safer and that his chances, if he gets into an accident, are much greater of coming out with less damage to himself or others if he drives a car.

In setting aside a week, because there will be all kinds of celebration and focus, public relations and communication, particularly by the motorcycle industry itself promoting motorcycling, ultimately that will appeal to a younger set out there who may not yet have developed a full understanding of the challenges and difficulties and the fact, as I've said already, that this is a very dangerous machine they ride, not a toy.

I put that on the record, that I have a fear we may romanticize a way of transportation that isn't as safe as some of the alternatives that are out there that people could choose to participate in. I put that out for people's consideration. Will it do that? Will the obvious benefit of

an awareness week that will focus on safety compensate for the image that may be developed about motorcycling that may encourage young people in particular to participate in this activity without thinking about the consequences, no matter how attentive they might be to the safety side of their actual riding the machine, not understanding that even with that it can be very dangerous behaviour and activity to be involved in.

The other side of this that I think needs to be put on the record is the growing concern out there in communities about the unsavoury side of motorcycling, about people such as the Hells Angels and some of these other groups that ride motorcycles that have become a very real threat to communities and a very real concern to the police. How do you draw the line between the two? How do you separate those very well meaning and good citizens in all our communities who ride motorcycles for pleasure, for transportation or for recreation and who do it in as safe a fashion as possible, who use the motorcycle and the group they belong to to raise money for charity and do all those kinds of things that we know can be and are done by people who ride motorcycles, from the unsavoury side of motorcycling that so often is depicted in the movies that we and young people watch, and about which we become more and more anxious and concerned in this province as we see the incursion of these motorcycle gangs into the framework, the network and the fabric of Ontario?

I'm concerned about our ability, in setting aside a week to focus on motorcycling, to actually keep the two separate and deal with them in a way that helps people understand there is this very difficult, dangerous and unsavoury side of motorcycle activity that exists out there that is a real threat to society, to some of the things we count on to support the bringing up of our children and the behaviour of people in communities.

Those are two issues I want to present here this morning as needing, in my mind, to be thought about as we consider this piece of legislation before us. Are we setting ourselves up for something that is bigger and more unmanageable in the end by doing this, or as the member who has presented it suggests, will we simply be focusing on the positive side of motorcycling and emphasizing the issue of safety where that activity is concerned? I think they're very real. I think they're things we need to think about very carefully and I think they're things all of us need to consider as we choose which way to vote on this piece of private members' public business here this morning.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): It's a pleasure for me to rise today in support of my colleague from Peterborough's introduction of the bill that deals with motorcycle safety and awareness. I, too, like the member from Sault Ste Marie, do not have a conflict, I guess, because I do not own and I am not licensed to drive a motorcycle, although I must admit, as the member from Elgin-Middlesex-London pointed out, there are some very fancy and interesting pieces of equipment on the market.

Motorcycles certainly play an important role in many people's lives, not only from a recreational point of view but from a transportation point of view, and the safety aspect of it should be first and foremost whenever we're debating this bill.

As my colleague from Peterborough pointed out, we have 95,000 licensed units and probably five times more that are off-road units. I would like to say, being a member from a rural community, that we have to stress the safety aspect for these off-road units also. They may not be licensed but it's important and imperative that we stress that the people who use them be well trained in using them, and stress the safety aspect of them, because today off-road vehicles, whether they're four-wheelers—there are not too many three-wheelers left—are used for hunting. They're used in the bush. Farmers are using four-wheelers today, for planting, for fertilizing and for spraying, so there is a multitude of uses with regard to motorcycles and certainly off-road units.

1130

The member from Sault Ste Marie talked about the danger involved with motorcycles and he's absolutely right. There's no doubt that there's a higher risk if you're driving a motorcycle rather than driving a car. That's very well exemplified under the auto policy, under the accident benefits, whereby if you're driving a motorcycle, they're substantially higher than if you're driving an automobile. But I found something interesting yesterday. It was in the standing committee on public accounts, and they're looking at the road user safety program. It's part of the 2001 annual report of the Provincial Auditor. The Minister of Transportation is over here talking about some of the issues I would like to put on the record: one is setting safety standards, policies and regulations for road users, vehicles and commercial carriers; two is inspecting, monitoring and enforcing compliance with safety standards; three is testing and licensing drivers and vehicles; and four, educating drivers in safe driving behaviour, and government policies and legislation for road user safety.

That's all well to say this, and I know it's a little more difficult to enforce it. However, I think as a government, as individuals, that under the present guidelines, when the motorcyclists go for testing, they're made well aware of the dangers of automobiles. But on the converse of that, I don't think that, when young people are taking their drivers' tests in driving an automobile, there is as much emphasis placed on the respect that they should have for motorcyclists.

We see that when people are in a hurry at a red light. The motorcyclist is the lane. A car will crowd that motorcyclist. As soon as the light turns green, away they go. They will not share, in some instances, the lane with a motorcycle. Consequently, I think we have to continue stressing the importance of safety and we do this through an education program, through driver education. I see these young students from school today, and they may be too young for testing and learning to drive, but I think we also do it through our educational program, that we start

with road safety at an early age. It's never too early to start.

I know my time is very short. I will be voting in favour of this bill because, as the member from Peterborough and the member from Elgin-Middlesex mentioned, if we save one life, if we prevent one injury, this bill is well worth it.

Mr Rick Bartolucci (Sudbury): I stand and support the member for introducing the bill, Bill 201, An Act to proclaim Motorcycle Awareness Week. There are some problems with this. The member from London-Fanshawe, Mr Mazzilli, who does nothing but constantly heckle in this House, should be reminded that the Motorcycle Awareness Week Act that the member from Peterborough wants to proclaim has an upside to it. There are certainly lots of recreational bikers out there who congregate at a particular doughnut shop in the west end, probably every Saturday night. Every once in a while when I'm around, going in for a coffee, I stop and talk to them. They're wonderful people. They're upstanding citizens. They deserve to be recognized for the valuable contributions they make to society and also for their passion when it comes to motorcycles and when it comes to safety with motorcycles. For that reason alone I'm going to support Bill 201.

There is a bill I have before the House. It's a private member's bill, Bill 136, an amendment of the Highway Traffic Act with regard to motorcycle helmets. The information for this bill came from the police officers of the province of Ontario, who are very concerned that the other element of motorcyclists, those gangs we have to deal with, in many instances the illegal gangs we have to deal with, are not using prescribed, approved safety helmets. They cause the police forces in the province of Ontario a great deal of anxiety, lots of time—

Interjection.

Mr Bartolucci: Again, the member from London-Fanshawe continues to babble in his usual way. We must remember and the people of Ontario should know that while he heckles Bill 136, he is a former police officer. I would suggest that he listen as opposed to babbling.

Mr Frank Mazzilli (London-Fanshawe): On a point of order: The components are right in the regulation. Certainly the member should know—

The Acting Speaker: I'm not hearing a point of order. Sit down.

Member for Sudbury.

Mr Bartolucci: Thank you very much, Speaker. I appreciate your ruling on his being out of order.

The reality with Bill 136 is that motorcyclists would be forced to surrender their helmet for inspection. In fact, the subsection says, "Every rider on or operator of a motorcycle, motor assisted bicycle ... shall, upon the demand of a police officer, surrender his or her helmet for reasonable inspection."

I don't think that's very intrusive. In fact, I think it would provide safety on the roads for people who drive motorcycles. So I would encourage the member from Peterborough to encourage his government to call Bill

136 for second reading and for quick passage, because it will enhance Bill 201.

The reality is that the member from Peterborough has every good intention in introducing this bill. It should be supported, because the people he's talking about in this bill are responsible people. They are people who appreciate the value of motorcycles, the excitement one has with motorcycles and the importance of being safe with regard to driving and handling a motorcycle. So there's no question that this bill is well-intentioned.

There is the other component of cycling we have to be concerned about, and that's ensuring that the laws are followed, that police officers aren't placed in undue hard situations where they have to give up their valuable time to appear in court to deal with bikers who choose to wear illegal helmets.

Bill 201 is a bill worth supporting. Bill 136, my private member's bill, which is the Highway Traffic Amendment Act—helping police officers do their job—is also a bill worth supporting.

Speaker, I thank you for your attention and the member for London-Fanshawe for his usual babbling.

Mr Michael Prue (Beaches-East York): I must say that I have not been, as you all know, in this House a long time, some 14 months now.

Mr George Smitherman (Toronto Centre-Rosedale): It seems longer.

Mr Prue: Yes, it seems longer some days. I've seen a great many bills come through, but I have to tell you that I am quite surprised at this; I'm quite surprised at what we're debating here this morning. There are many, many weighty issues in this province—everything from hydro deregulation to education to the lack of affordable housing. There are just enormous amounts of problems, enormous amounts of potential things that could be spoken of. I was quite puzzled, I have to admit, when I saw a bill proposing Motorcycle Awareness Week. I stopped for a minute to wonder what value this bill will have if it passes and what will be the significance if it does not.

I listened to the member earlier when he introduced his bill and when he spoke about it, and there were three key words that he talked about: safety, education and awareness. I'm wondering what in the bill will deal with these aspects in such a way that would promote me to support it and would promote the general public to think that having another awareness week, another in the hundreds of awareness weeks, awareness days, awareness months in this province is going to be worth the actual length of time that we've spent here debating.

1140

Motorcycles are not a safe form of transportation. I do not believe that they are safe, nor have I ever felt as safe on a motorcycle as I do inside of a car. I don't know of any person who feels as safe on a motorcycle. In fact it's a little bit of a thrill-ride. So if we're talking about the person riding the motorcycle: is this bill going to make them want to drive it in a more responsible manner? Is it going to make them want to not zip in and out of traffic as I see every day on the streets of Toronto? Is it going to

make them travel at the speed limit? When I travel on the 401 I will tell you that the motorcycles all pass me; every single motorcycle passes me and passes me flying and weaving in and out of traffic. Is it going to make these individuals more safe when they're driving?

I would doubt that having an awareness week is going to succeed in that. Is it going to educate these people who drive motorcycles? Is it going to educate them to be safer? I don't know. Is it going to educate? I doubt it because, again, this is a vehicle for those who like adventure. This is a vehicle for those who push the limits.

Is it going to educate the ordinary driver to look in the blind spots a little bit more carefully? Perhaps. It's very difficult to see people, to see smaller objects in mirrors.

Is it going to make us more aware? I don't know. I have to tell you, I don't know what the statistics are in this city, in this province and even the summer time. I would hazard a guess that there's probably 100 cars to every motorcyclist. Certainly in this city there are far more bicyclists than there are motorcyclists and we have to be constantly on the lookout for them.

I ask why the member would use his private member's bill for this, because this is not the first time. I am given to understand he attempted to do the same private member's bill a little over a year ago just prior to my arrival here, and it was not successful at that time.

So I tried to think, what would the member for Peterborough want to do? I looked at it again. His own riding is the wonderful riding of Peterborough. I often have a chance to go to that city. My parents live just north of Peterborough. I often go to Peterborough. It's a wonderful place, but it too has its problems. It has its problems with the lack of affordable housing. It has its problems with the declining industrial base. It has its good points too. I was wondering how this sort of fit into that and I really couldn't figure it out.

I thought that maybe in the crassness of politics people are making big donations from the motorcycle industry. We did a little research on that. It was actually kind of small. BMW gave \$708 to the Conservative Party in Vaughan, and Honda Canada gave \$404 in Whitby. That seems like such a small amount. I cannot possibly imagine that that would have influenced this bill.

Then I thought, what about the support groups? What support groups are out there looking for this? We looked down to the support groups and there's a whole bunch of them: the Blue Knights, the BMW Club, the Canadian Motorcycle Association, the Ontario Road Riders Association, the Red Knights, and a group, the Bikers Rights Organization of Ontario—this one did trouble me a little. The Bikers Rights Organization of Ontario exists, and their primary goal is the freedom of choice on helmets. I'm wondering what that purpose is going to be.

We have a whole problem in Ontario and in Canada and in the municipalities of problems with biker gangs. We have a whole problem where bikes are not safe on the roads. We have a whole problem that will not be addressed by this bill.

I am still puzzled. I think people who are watching are still puzzled as to why the member from Peterborough

has used valuable legislative time to debate a bill that will virtually do nothing. I think that this, with all respect to him, has been a waste of this legislative time here today. The bill is not going to resolve the key issues. It's not going to do anything for motorcyclists. It's not going to do anything for other drivers and we still will have the ongoing problems that other speakers have talked about: bike gangs and irresponsible driving. Quite frankly, I cannot support this bill.

Mr John O'Toole (Durham): I feel bad about this, but I have to do it. I want to put on the record that the member from Sudbury earlier—and I should be clear that I'm embarrassed. His constituents should be embarrassed as well because he should know that he was aggrandizing his own vision of the world while not paying much respect for the hard work the member from Peterborough has done on Bill 201. It's just part of a long list of the work the member has done to represent his constituents in the riding of Peterborough. I think back to how this fits into his overall legislative direction or the voyage he's on. First, his bill on the spirituality in schools speaks to the traditions and values he has. I think there was also truck driver training. So he's very fascinated by the motor vehicle industry.

So Bill 201, An Act to proclaim Motorcycle Awareness Week—it should be clear right from the beginning of the comments I will make that this really does talk all about driver safety, driver education and driver awareness. It's a very high-level discussion. The motorcycle awareness event is just to crystallize all the energies and activities around motorcycling in May—that's the week he's proclaiming—just as bikes are going on the road, so that driver education and driver awareness should be paramount and safety is at the centre of the whole debate.

If I want to make a little bit of lightheartedness on this, unlike the NDP comments just recently, I want to put on that this bill, as I said, is about safety, but it really is about the baby boomers to some extent, the emerging group of the well-off middle class, much like the member from Peterborough really, a middle-aged—I can just see it now, sort of like Peter Fonda in Easy Rider with Judy on the back, that sense of freedom, sense of power, the throttle between the legs, zooming down the highway. It does overglorify the point he's really trying to make, but I'm just trying to relate it to the personality with the white hair blowing in the wind. I don't know. It's an evocative kind of image I have here.

In my riding I have to pay respect to the importance that this isn't purely economic terms. The dealers I'm familiar with would be: Steve Hicks from Terminal Velocity, a Ducati motorcycle dealership in Port Perry; Floyd Asselstine from Asselstine Country, where they actually market the Yamaha and Suzuki in the Blackstock area; and Ab's Motorcycle Shop in Oshawa, a very widely known motorcycle shop. There are other motorcycle things that are widely known which I don't support, but they're more in Durham as well.

The member mentioned HOG ownership. These are the Harley Owners Group. The HOG group, chapter 9237 members include Linda Doucet, who's the editor; Colin

Baxter, public relations; David Joseph, public relations; and Rob Harvey, the second road captain.

On June 2, the Durham HOG group—that's the Harley owners—hosted the annual Battens Run; 164 registered bikes participated in the fundraiser, raising \$20,000 for Batten disease research, which is an inherited neurological degenerative disorder.

There was also the Cappy Ride. This is another group—probably a lot of Honda and other owners' groups. Motorcyclists get sponsorships and ride for child abuse awareness and prevention. The 10th annual Cappy Ride was held July 27. All the proceeds were donated to the Durham Children's Aid Society. Bob Brozina was the local organizer. Corporate sponsors this year included the Building Box, Caldwell Securities, Nature's Scene, Toronto Raptors, Bell Mobility, Concept Marketing & Promotions, and James Family Foods.

At the end of this, if we can talk about this issue and endorse this bill and keep it to a higher level—and the member from Sudbury really did work the conversation down right to the bottom, much like cars that feed on the bottom. But we need to make sure we put in front of the people of Ontario that this bill is about driver safety, education and awareness. I contend that it's the right thing to do. If those on the other side don't support it, it's clear they're against driver safety, education and awareness.

1150

Unlike the bill that was discussed, Bill 136—it's my understanding the member from London-Fanshawe has checked—is redundant. In the Highway Traffic Act today, it already exists that the validation of helmets is regulated under the Highway Traffic Act.

Interjection.

Mr O'Toole: Once again, the member from Sudbury goes on interrupting, being rude and intrusive, and spoiling the camaraderie that happens in private members'—

The Acting Speaker: The member for Sudbury will come to order. I apologize to the member for Durham.

Mr O'Toole: The member for Sudbury is out of order again. I'm not trying to pick the quarrel here because there are students here. I'm sure as a former teacher, he's probably embarrassed now, as he should be.

I'm supporting this bill, and I'm not trying to engage anyone, other than in the debate itself, to do the right thing and support Mr Stewart. I really kind of connect with the vision of him and Judy riding their motorcycle—probably a Honda Gold Wing—enjoying life and the freedom while, at the same time, being a safe driver of a motorcycle.

Mr Norm Miller (Parry Sound-Muskoka): I'm very pleased to join the debate today on Bill 201, the private member's bill put forward by the member for Peterborough, the Motorcycle Awareness Week Act, 2002. This would bring about an awareness week in the first week in May of each year. Certainly that is prime time for motorcycling, as people who are keen motorcyclists have seen their motorcycle in the garage the whole winter and they're pretty keen once May rolls around to get out and get driving that motorcycle.

The member for Sault Ste Marie was talking about the fact that he thought it was dangerous. It is dangerous to ride a motorcycle. I agree with him; it is dangerous. That's why this legislation is important. The motorcycle drivers need to be aware of the skills they need to drive a motorcycle, and also automobile, truck and bus drivers need to be aware of motorcycles on the road. That's probably just as important as the motorcyclists having the skills themselves.

I speak a bit from experience as, when I was 16, my first vehicle was a Honda 100. I certainly learned the hard way and survived my three or so years of driving that, with a few close calls, I might add. I learned that you don't hit the front brake on loose gravel because the bike goes down pretty quickly when you do that. I had the experience on a small two-lane highway of being run off the road by a car that didn't see me going down the road on my little Honda 100. In recent years, I guess I'm part of the trend, having not motorcycled for 20 years. This past year I purchased a new motorcycle and quite enjoyed the recreation, as many people do now, of getting out, when I had a bit of time, with some constituents and cruise the beautiful roads of Parry Sound-Muskoka.

Motorcycling is dangerous, so we need people to be aware of that. The member for Sault Ste Marie said he'd be nervous about his son driving a motorcycle. I must admit I share the same fears, partly from the experience of doing it at a young age myself. I want them to have all the tools necessary to be able to motorcycle, if either of my two sons choose to, in the safest way possible. This is why I'm very pleased to see that more and more people are taking motorcycle safety courses, like the one that's offered in the riding of Peterborough at Sir Sandford Fleming College, Gearing Up: Canada's Motorcycle Skills Course, which is known to be an excellent course. Last year, I believe, some 20,000 people took that course, which is very significant.

I think it's important to know that a lot of the accidents that happen on motorcycles happen at low speeds, often in a city. I know my friend Michael Billingham in the town of Gravenhurst, at a very slow speed—at something like under 50 kilometres an hour—was involved in a serious accident where a car pulled out from an intersection and he was hit. That's often where the accidents happen.

Motorcycling is gaining more and more popularity, and you just have to, in the spring and summer on a nice day—particularly a Saturday or Sunday—see all the people who are out enjoying the sport and the recreation part of it. We have to make it as safe as we can. Also, of course, in Parry Sound, every year in the first week of July there's a big sport bike rally, which is gaining popularity each year.

I'd like to support this bill. If it helps save one life, it's worthwhile.

The Acting Speaker: Response?

Mr Stewart: I would like to thank the members who spoke on this bill: Elgin-Middlesex-London, Sault Ste Marie, Sudbury, Durham, Parry Sound and Beaches-East

York. I didn't want this to become political, and I would suggest to the member from Beaches-East York—some of the comments that he made; make those comments to some widow whose husband has been killed on a bike, maybe forced off the road, whatever. If you're not sure about what safety education awareness is at this stage in your life, I'm not about to tell you what it is.

In the interest of safety, I want to emphasize that it is necessary to develop skills and awareness of proper driving habits to handle motorcycles on Ontario's highways. It is vital for the citizens of Ontario to be aware of motorcycles on the highways and the vulnerability of the motorcyclist, and to recognize the importance of sharing the highway.

I was actually passed a note that prior to 1995 an NDP member passed a motion in this House, that the House is in favour of motorcycles because they are "less of everything." I think if you look back, you will see that. Anyway, members of the Legislature, again I say this issue should not be political. I think this is a very important bill. I think it's important to the people of Ontario, I think it's important to the motorcyclist and to the motorist. As has been said, if we can save one life, the bill has done what we want. It was interesting that a comment made about the romantic part of it. The average age of riders of motorcycles these days is the late 30s. I would ask that you support this bill.

The Acting Speaker: This completes the time allotted for debate on this ballot item.

GRAFFITI AND ADVERTISING SIGNS CONTROL ACT, 2002

LOI DE 2002 SUR LE CONTRÔLE DES GRAFFITIS ET DES PANNEAUX PUBLICITAIRES

The Acting Speaker (Mr Michael A. Brown): I will now move to dealing with ballot item number 69. Mr Kells has moved second reading of Bill 205, An Act to control graffiti on public and private property and advertising signs on public property.

Is it the pleasure of the House that the motion carry? Carried.

Mr Morley Kells (Etobicoke-Lakeshore): Mr Speaker, I would ask that the bill be sent to the standing committee on general government.

The Acting Speaker: Agreed? Agreed.

MOTORCYCLE AWARENESS WEEK ACT, 2002

LOI DE 2002 SUR LA SEMAINE DE SENSIBILISATION À LA MOTOCYCLETTE

The Acting Speaker (Mr Michael A. Brown): Now I'll deal with ballot item number 70. Mr Stewart has

moved second reading of Bill 201, An Act to proclaim Motorcycle Awareness Week.

Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing orders of the House, this bill will be referred to the committee of the whole House—

Mr R. Gary Stewart (Peterborough): I would ask that it be ordered for third reading.

The Acting Speaker: Are you asking for unanimous consent?

Mr Stewart: Yes.

The Acting Speaker: Agreed? I heard a no.

The bill will be referred to committee of the whole House.

Mr Stewart: I'd like to have it referred to the standing committee on general government.

The Acting Speaker: Agreed? Agreed.

Mr Frank Mazzilli (London-Fanshawe): On a point of order, Mr Speaker: Earlier in the debate, there was some issue as to the regulations for helmets on motorcycles, and I am pleased to table those regulations—

The Acting Speaker: Order. That is not a point of order. You know that.

All matters relating to private members' public business now being complete, this House stands adjourned until 1:30 of the clock.

The House recessed from 1200 to 1330.

MEMBERS' STATEMENTS

GEOFFREY AND GERALD LOUGHEED

Mr Rick Bartolucci (Sudbury): Last Friday in Ottawa, through the authority of Queen Elizabeth and Her Excellency the Right Honourable Adrienne Clarkson, Governor General of Canada, one of our very active, proactive and involved citizens by the name of Geoffrey Lougheed was knighted to the Most Venerable Order of the Hospital of St John of Jerusalem. Indeed, this is a significant honour. There had only been one other Sudburian ever given knighthood, and that was his father, Gerry Lougheed Sr. At that same investiture, Sir Gerry Lougheed Sr was elevated to Knight of Justice.

I think it's pretty significant that these two individuals in our community would receive such a wonderful honour. Indeed it is well deserved, for this honour goes to those people who for a long period of time have performed outstanding service in educating Canadians to improve their health, safety and quality of life through training and community service. Certainly Sir Gerry Lougheed Sr and Sir Geoffrey Lougheed exemplify what this knighting is all about.

As a community, tonight we will be honouring Sir Geoffrey Lougheed at a night for a knight. We want to wish both of them a great deal of gratitude from our community and wish them much success in their new roles.

OSTEOPOROSIS

Mrs Julia Munro (York North): November is Osteoporosis Month, and this is the 20th anniversary of the Osteoporosis Society of Canada. We are working with the society to ensure better bone health for all Ontarians.

Of the 1.6 million women in Ontario, at least 620,000 are at risk of developing osteoporosis and over 330,000 already have the disease. As well, one in eight men over the age of 50 is at risk of developing osteoporosis. Often underdiagnosed and undertreated, osteoporosis can be a debilitating disease resulting in pain, disfigurement, lowered self-esteem, reduction or loss of mobility and decreased independence.

This month the Osteoporosis Society of Canada released the first evidence-based clinical practice guidelines on osteoporosis. These guidelines will improve patient care by giving physicians scientifically based recommendations on how best to diagnose and treat osteoporosis. For example, one of the key recommendations is that all Ontarians over the age of 65 should have a bone density test.

Our work with the Osteoporosis Society of Canada is especially important at this time; 2000 to 2010 is the Bone and Joint Decade, which was endorsed last month by the federal Minister of Health. Canada now proudly joins 45 other countries, the World Health Organization and more than 750 organizations and associations around the world in the global effort to raise awareness and take action on bone and joint disease and injury.

We applaud the Osteoporosis Society of Canada. This government will continue to work with the society to ensure that Ontarians have access to early diagnosis and optimal care and treatment for osteoporosis. Ontarians deserve the opportunity to make informed decisions about their bone health and lead active, independent and productive lives.

BOB WELCH

Mr James J. Bradley (St Catharines): The city of St Catharines will witness a very important and meaningful ceremony on Friday, November 22, 2002, as on this occasion, one of its most beloved and respected citizens will have the provincial courthouse in downtown St Catharines dedicated in his honour.

At the urging of a family friend, Dave McDonnell, a challenge was issued to find an appropriate way to honour Bob Welch for his many years of service and contribution to the province of Ontario.

It was a genuine privilege for me to be part of a committee which was formed to determine the best way to honour the former Deputy Premier, cabinet minister, MPP for Lincoln and Brock, and distinguished citizen—a committee which included individuals of all political persuasions and which had no other role.

As an admired member of the legal profession and a respected parliamentarian and provincial representative, Bob Welch made a major and positive difference in the

lives of Ontarians and in the community in which he resided.

The support for naming this public building the Robert S.K. Welch Courthouse will be unanimous, and will reflect the popularity of a man who was a good friend to all who knew him and who was admired by people of every political affiliation.

The Chair of Management Board and the Attorney General of Ontario are to be commended for agreeing to the request of the committee and the citizens of St Catharines and for participating in this important ceremony tomorrow in our community.

KIMBERLY ROGERS

Mr Tony Martin (Sault Ste Marie): I've just returned from Sudbury, where I attended the Kimberly Rogers inquest. Once again I noticed that the Ministry of Community, Family and Children's Services wasn't there.

Testimony at the inquest continues to show that the Conservative government's sweeping welfare reforms make it impossible for people to survive on social assistance, let alone better themselves and break out of the cycle of poverty.

Yesterday's testimony showed that after the cost of housing and food, there is no money left over for transportation, phone and clothing. A person needs a phone, transportation and decent clothes to look for a job.

The Conservative government has set up a system that forces people who need social assistance to become creative just to survive. But when these very desperate people do, this government turns them into criminals and cuts off all their support.

Do the Conservatives think that people should be left on the streets with nothing? If the ministry had been at the inquest, they would know that the community does not have the resources to help the victims of their welfare policies.

It is time the Conservative government understands the damage its policies are doing to people. It is time for them to stand up and take responsibility. Stop the lifetime ban. Stop the clawback of the national child benefit. Increase the shelter allowance. Stop the ban on student loans for people on social assistance.

ONTARIO MEDAL FOR GOOD CITIZENSHIP

Mrs Margaret Marland (Mississauga South): It is an honour to congratulate the two Mississauga residents who received the 2002 Ontario Medal for Good Citizenship in recognition of outstanding public contributions through exceptional long-term efforts.

Cathy Harvey is a distinguished advocate for people living in long-term and chronic care facilities. At age 25, with two young children and a nursing career, Cathy was diagnosed with multiple sclerosis, which left her a quadriplegic. Yet Cathy remained an active, devoted mother; indeed, her son Cam became a world-class

rower, winning two bronze medals in the 1986 world championships. I was fortunate enough to attend that particular event.

Cathy, who uses a chin-powered wheelchair, has mastered the art of mouth painting. Her beautiful Christmas cards have raised money for the Multiple Sclerosis Society and the Trillium Health Centre Foundation. Cathy's courage, creativity and compassion are an inspiration to us all.

Victor Deschenes is a strong supporter of children's causes. Working quietly, he started by buying hundreds of baseball jackets for disadvantaged children. Victor pays for as many as 5,000 children to attend Blue Jays games, and has purchased up to 500 bicycles at a time for youngsters who have none.

Victor has also provided financial aid to the Mississauga News Christmas Fund, Mississauga Waterfront Festival, Peel Partnership for a Drug-Free Community and other causes. His kindness and generosity have made a huge difference to many families.

Cathy and Victor, on behalf of everyone in our community, thank you for your exceptional contributions to life in our great city of Mississauga.

HERB GRAY

Mrs Sandra Papatello (Windsor West): My colleague the member from St Clair and I had the opportunity to introduce Herb Gray at the Herb Gray tribute in Windsor last night. Windsor is going through three days that have been properly titled Herb Gray Days, where our community is celebrating the tremendous career that Herb Gray has had in political life spanning practically four decades, serving under three Prime Ministers. He began his career in 1962, when many of us were still just thinking about politics.

What they did last night: funds that were raised at the banquet are going to the multicultural council, where they had a huge, colourful ribbon called the Harmony Ribbon, and they launched the Harmony Ribbon Award. That first recipient is very properly our own, the Right Honourable Herb Gray. That ribbon award is meant to be given to that one individual or family or business that promotes the notion of harmonious living in our community especially, which is so multicultural. We are so proud of Herb Gray receiving that distinguished honour last night.

I can tell you that with the memorial book that was passed out as part of the program, we find it of great interest to watch the tremendous career of Herb Gray. But having watched him close up for many, many years, all we can say on behalf of all Windsor residents to our own Herb, Right Honourable Herb Gray, is thank you.

1340

DRUG AWARENESS WEEK

Mr John O'Toole (Durham): I rise in the House to mention Drug Awareness Week in Ontario. I'd like to thank public health nurses Lynn Ryan and Heather

Tucker, who have kindly provided information on Drug Awareness Week in Durham region.

The Durham Region Health Department is marking Drug Awareness Week from November 17 to 23 with the introduction of the Parent Guide to Teen Parties. This is an informative booklet that helps parents understand the full legal liabilities they have for any alcohol that teens or their friends drink in their homes.

Also in support of Drug Awareness Week is the "ultimate mix" competition. It challenges students from local high schools to develop a recipe for the best non-alcoholic drink. Last year, Port Perry High School in my riding of Durham won the contest. This year, I understand 12 high schools are in competition, including St Stephen's Secondary School, Courtice Secondary School, Port Perry High School and Cartwright High School, each from my riding.

Janet McPherson is chair of the Durham Youth Drug Awareness Committee. I hasten to add that drug awareness is a year-round objective in Durham region. Public health programs on alcohol and drugs touch not only young people, but adults as well. Among the adult initiatives are the Health at Work program and the Safer Bars campaign.

In 2001, Ontario students surveyed by the Addiction Research Foundation revealed that 32% of the teens in grades 7 to 12 were passengers in a car with a driver who had been drinking. In view of alarming statistics like these, I am sure we are especially grateful for the Ontario Drug Awareness Partnership, which has organized Drug Awareness Week in 200 communities across Ontario. They are indeed making a difference for our young people and adults.

ROAD SAFETY

Mr Michael Gravelle (Thunder Bay-Superior North): It is certainly frustrating that as winter arrives in northwestern Ontario each year, our concerns about the quality of road maintenance in the region reappear with the same regularity. What is most difficult to understand, let alone justify, is why the standards vary so drastically throughout the region. I will always argue that we should be increasing the minimum standards that are presently in place, but regardless, is it too much for my constituents to expect that driving conditions will at least be the same for people driving all the way from Marathon to Thunder Bay, for example?

The most graphic example of varying standards is the section of Highway 11/17 east of the Steel River bridge near Terrace Bay. During a storm earlier this month, the pattern repeated itself. West of the Steel River, conditions were good. East of that point, maintenance crews were nowhere to be seen. Minister, your staff are responsible for that poorly maintained section of the highway. Clearly some action must be taken by you to see that this and other sections of the highway are properly maintained at all times.

Even more decisive action must be taken to improve safety on the Thunder Bay Expressway. Earlier this week, two people lost their lives in an accident that was eerily reminiscent of another tragic fatality two years ago. Minister, you must move quickly to install concrete barriers on those sections of the expressway that are not protected by a median. In southern Ontario, such a barrier is automatically installed on high-volume sections of the highway, such as the expressway. We should be treated no differently in our part of the province. People's lives are at risk every day when they drive down the expressway, particularly when winter driving conditions exist.

Regardless of whatever long-term plans you may have, Minister, we cannot afford to wait. We cannot bring back the people who have lost their lives, but surely we can take the action necessary to prevent any further tragic accidents.

COMMUNITY LEADERS IN NIPISSING

Mr AL McDonald (Nipissing): Today I'd like to talk about a special lady from my riding of Nipissing, Harriet Madigan. I have a tremendous amount of respect for her, as I believe she is a person who gives so much to her community. She is the ultimate volunteer.

Harriet Madigan has done so much for our community. She developed the concept of Community Waterfront Friends and is the driving force behind Heritage Gardeners and Communities in Bloom.

I am not the only one who has kind words to say about Harriet Madigan. Just listen to what Rod Johnston has to say: "Harriet, through her determination and vision, has very likely changed the quality of life for the people of North Bay forever, and for the better. She has always carried herself in a professional manner, never losing sight of the ultimate goal to bring something to North Bay that will benefit the whole community."

I'd also like to talk about a gentleman by the name of Donald Jacobs from North Bay. He's been an active community leader for many years now, and I'd like to commend him for all his hard work. Mr Jacobs was an elementary school teacher for 32 years. His involvement in extracurricular activity goes far beyond the school and into the community as a whole. Don has involvement in the Tolerance, Understanding, Compassion and Action organization, the Children's Assist Program, the Show Kids You Care project, the Child and Youth Support Network, the international project called Sleeping Children Around the World, and the Concordia Centre's Rap Around project. Mr Jacobs is a kind and gentle person and has always done good things for those in need without ever seeking personal recognition.

We are very lucky to have these individuals in my riding of Nipissing.

VISITORS

Mr Joseph Spina (Brampton Centre): On a point of order, Mr Speaker: I am pleased to welcome a group of

OAC students from Cardinal Leger high school who are visiting us here this afternoon in the gallery to learn about the government of Ontario, from the heart of Brampton Centre.

The Speaker (Hon Gary Carr): I thank the member.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

Mr Joseph Spina (Brampton Centre): I beg leave to present a report from the standing committee on finance and economic affairs and move its adoption.

Clerk at the Table (Mr Todd Decker): Your committee begs to report the following bill, as amended:

Bill 186, An Act to further highway safety and establish consumer protection through the regulation of the collision repair industry, and to make a complementary amendment to the Insurance Act / *Projet de loi 186, Loi visant à améliorer la sécurité sur les voies publiques et à protéger les consommateurs en réglementant le secteur de la réparation en cas de collision et à apporter une modification complémentaire à la Loi sur les assurances.*

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed.

STANDING COMMITTEE ON ESTIMATES

Mr Alvin Curling (Scarborough-Rouge River): I beg leave to present a report from the standing committee on estimates.

Clerk at the Table (Mr Todd Decker): Mr Curling from the standing committee on estimates reports the following resolutions:

Resolved that supply in the following amounts and to defray the expenses—

Interjections: Dispense.

The Speaker (Hon Gary Carr): Dispense. No further action required.

ORAL QUESTIONS

HYDRO RATES

Mr Michael Bryant (St Paul's): My question is for the Minister of Energy. Minister, should large commercial and industrial consumers be able to get a fixed price for power of 4.3 cents per kilowatt hour?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The Premier has asked me to consult with the sector and to report back to him on that important issue.

Mr Bryant: Well, that's not what the government of Ontario said on November 11, when Premier Eves announced and stated in his press release, "Large commercial and industrial consumers could choose between their current arrangements and a fixed 4.3 cents per kilowatt hour price of power."

The government is now saying they are talking to the big commercial and industrial users because they found out that what they announced, they cannot do. They found out that this part of their price relief plan would make matters worse. They found out that if they did that, not a single new generator would come into the province of Ontario. I know you are doing your homework now, Minister, but why didn't you consult with the industry before you made your announcement on November 11?

Hon Mr Baird: I think if the member opposite checks the record, he would discover that the Premier announced on November 11 that I would do just that. We have the courage to listen, and we'll certainly listen to what we hear from large commercial and industrial customers.

Some would like to take advantage of the fact that they have put their peak hours perhaps in a different relationship to the rest of the economy. Some would like some information with respect to whether they could get two-cent power if they ran a plant in the evening and in the very off-peak hours. I think it's important that we listen and we take the opportunity to reflect on what we hear. The Premier did announce that on November 11. I agreed with it then and I certainly agree with it now.

I am disappointed that we now have day three with no Dalton McGuinty in the Legislature because he's afraid to show his face.

1350

Mr Bryant: I would say to the Minister of Energy, who excruciatingly parodied his own Premier as a serial waffler at Ernie's House of Waffles, we don't need to take any lectures from you, waffle boy.

Listen, on May 1, the government of Ontario opened up the electricity marketplace with reckless abandon, shipwrecking Ontario's electricity system. Then when you went to raise the Titanic, you bungled it again. You know that you can't do what you announced you would do with respect to the industrials on November 11. You didn't do your homework on May 1. The Premier didn't even pick up the phone and ask the one guy who would have told him, "Ernie, don't open up the electricity competition marketplace." You didn't do your homework before May 1, and you didn't do your homework before opening up the market, before bringing in the price relief plan on November 11. How on earth can the people of Ontario trust you with their electricity?

Hon Mr Baird: I refer you to the press release of November 11, which explicitly says what I just said. I say to the Liberal House leader to leggo my Eggo.

I find it interesting. Dalton McGuinty on Monday morning put out a fundraising letter saying, "I have the courage to stick to my plan." By Monday afternoon, he had changed it. He was now in favour of closing the market. He was in favour of abandoning regulation. On

Tuesday the Web site said, "Update coming soon." Well, I've got news for all my friends: the update has arrived. The man who said on Monday that private power was dead—they've made another mistake on the Web site. It says they want to produce an environment that produces a mix of electricity providers, public and private. The good news for deregulation is that Dalton McGuinty is back on board.

PENSION PLANS

Mr George Smitherman (Toronto Centre-Rosedale):

My question is to the Minister of Finance. It concerns the pension provisions of Bill 198. All around Ontario, citizens are awakening to the realization that the provisions of Bill 198 retroactively rob pensioners of their rights, while encouraging Conrad Black-style surplus raiding. In an astonishing move yesterday, your government moved to clamp down on the debate by tabling a closure motion so that you can ram your bank-bonusing bill through this House. In acknowledgement of the building public concern around this issue, Madam Minister, will you agree to public hearings so Ontarians can let the government know just how offside it is on this matter?

Hon Janet Ecker (Minister of Finance): I would really encourage the honourable member across the way, before he goes around causing people with pensions to be concerned and afraid, to check his facts. There is nothing in this legislation that takes away or interferes in the rights of pensioners—absolutely nothing. There is everything in this legislation that ensures the viability of pension plans for workers is protected. You would expect any government to do the same, and we are indeed doing that. Thirdly, there has been public consultation on this bill. There has been a public discussion paper, meetings and submissions. There continue to be meetings with stakeholders as we look forward, if the bill should be passed, to developing the regulations. There is nothing in this legislation that interferes with the pension rights of workers in this province.

Mr Smitherman: Oh, if only it were true. I've sent to the minister, who apparently hasn't had the time to read her own piece of legislation, just one paragraph that I'll read into the record. Under the heading "Application for payment of surplus to an employer": "An employer or such other person as may be prescribed may apply under this section to the superintendent for the superintendent's consent to the payment of surplus to the employer or prescribed person out of a continuing pension plan or a pension plan being wound up in whole or in part."

With that section, Madam Minister, as you very well know, Ontario stands alone as the only jurisdiction in North America which gives legislative sanction to the robbing of surpluses for ongoing pension plans.

I ask you just one more time, Madam Minister, because apparently you need a little more time to deal with this: will you agree to public hearings so that Ontarians can put their record on the table?

Hon Mrs Ecker: Perhaps the honourable member should try reading the legislation himself. It says here that on an application to the superintendent, "the superintendent shall not consent to the payment of surplus unless the superintendent is satisfied that"—and it has a whole bunch of stuff here about the pension plan being correct and viable, but they cannot consent unless "the employer ... is entitled to the surplus." There are pension plans that are written today—it has nothing to do with the legislation—where employers are entitled to surplus under certain circumstances. In the majority of cases, it is because of an agreement with the workers that talks about how surplus will be dealt with in certain circumstances.

The legislation is very clear. We are continuing to do work with all of the stakeholders on the developing of the regulations because the bottom line here is, this does not put Ontario outside of the legislation—

The Speaker (Hon Gary Carr): The minister's time is up. Final supplementary.

Mr Smitherman: Madam Minister, I would like to just point out that if you took a little more time to read your entire piece of legislation, you would see that contained within it is the great trump card that eviscerates, destroys and eliminates all of those past agreed-upon rights in this plan. With respect to the consultation paper that you spoke of, on the most retrograde, negative impacts in this legislation, none of those were contemplated or discussed in the discussion paper that you like to hide behind.

I say to you just one more time: will you stand in your place and agree to public hearings so that Ontarians can let you know just how out of whack you are?

Hon Mrs Ecker: Since we're sitting here playing the game of paper and quoting, the consultation paper clearly had proposals that talked about how employers would be able to withdraw surplus based on clear entitlement in plan documents—so in other words, rights that already exist—or based on a surplus-sharing agreement with who? With the majority of the workers.

Maybe the honourable member doesn't think the workers should have a say in how their pension plans are treated, but this side of the House thinks there are two things that are very important: the rights of workers—in this case they are given additional rights to apply for surplus—and to protect the viability of pension plans. Maybe the Liberal Party doesn't care if a pension plan is viable, that it's not there for the workers, but on this side of the House, we think pension plans should be there so workers are protected. This legislation ensures that is the case.

The Speaker: New question?

Mr Gilles Bisson (Timmins-James Bay): My question is to the finance minister. Minister, it's clear that you're the only one who has that particular view when it comes to what you're doing to pension surpluses in this province and what you're allowing employers to do.

We have gone out and consulted with the Ontario Federation of Labour and legal experts in the field of

pension, and all of them agree with us: what you're doing is opening the door to allow employers not only to raid pension surpluses, but to take pension contribution holidays.

I want to just quote from one particular one: I'm going to send over a legal opinion from Koskie Minsky, one of the firms that happens to do a lot of work on the pension side. What they're saying is, under subsection 79.1, it does allow an employer to apply for a pension surplus, whether or not the employees want them to do it. They say under section 55 of the act, it does allow employers to have the virtually unfettered right to pension contribution holidays.

Minister, will you do the right thing and withdraw this offensive section out of Bill 198?

1400

Hon Mrs Ecker: Again, Mr Speaker, employers currently have significant obligations to keep pension plans funded, and I'm sure the honourable member would not wish that to change. That is not changing. Secondly, what is important here is that there are clear entitlements. Pension plans that already have entitlements for employers are respected. But where there are surplus-sharing agreements, those are also respected. As a matter of fact, they are required to talk to employees about having surplus-sharing agreements.

Nothing in this legislation entitles any employer to raid a pension plan. Nothing in this legislation entitles any employer to take money out of a pension plan so that the pension plan is not viable. Nothing in this legislation takes away any of the earned pension rights of any worker. The OFL had staff at the consultations. The OFL provided submissions on this. They've met with—

The Speaker: Order. The minister's time is up. Supplementary?

Mr Bisson: Minister, you're dead wrong. What you're doing by way of this legislation is changing the entitlement of who can get the pension surpluses. That's clear. Read section 79.1 of the bill: it couldn't be clearer. Not only that, but in regard to the regulations, you're the one who's going to come out with the regulations after, and quite frankly, nobody trusts you.

Minister, the question is simple: will you do the right thing and withdraw this from the bill, take it out of Bill 198, and leave the current rules in place that protect workers in the province of Ontario?

Hon Mrs Ecker: Mr Speaker, the right thing is to make very clear that employers cannot raid pension plans. This legislation does not allow that. The right thing is to ensure that pension plans in this province, pension plans that workers depend on, are protected, and this indeed can do that and will do that. There is nothing that we wish to do to interfere with the rights that pensioners have earned, that workers have earned in their pension plans, and this legislation does not do that.

I regret very sincerely that the honourable member continues to put forward a position that is causing pensioners to think that somehow or other there is a problem with their pension rights. There is not. They are

protected and they will continue to be protected, because we believe it is very, very important to protect the viability of pension plans that are there for workers.

Mr Bisson: Minister, let's be clear about something. Under the current rules, employers can't take surpluses out of the pension plan. If that's the case, why are you changing the legislation? It comes down to your trying to say to us, "Trust me. Trust the Conservative government. We have the best interests of workers at heart." Well, when we look at your record, you're the government that has kicked employees in the teeth every time you've had the opportunity. If it's changes to the Ontario Labour Relations Act, you allowed scabs to cross a picket line; you've restricted the ability of people to organize under a union; you've given it in the teeth to farm workers in this province just a couple of weeks ago with the Liberal Party when you voted to take that right away from workers. So the question is very simple: why should workers in this province trust you after the abysmal record of what you've done to workers up to now?

Hon Mrs Ecker: Maybe the honourable member thinks that employees should be spending all their time fighting employers in court to make sure their pension rights are clear. We don't think that is fair to employees; we don't think that is fair to employers. What this legislation does is clearly set out the rules to protect the benefits that workers and pensioners have. It will clearly set out the rights that employers have: they have to apply, the plan has to be viable, there has to be clear entitlement, there has to be respect where there are surplus-sharing agreements with employees. It actually gives employees an additional right that they don't have in other provinces in terms of being allowed to have surplus from a plan. So we've been very clear about the purpose of this legislation. It is there to ensure that those rights, those plans, are protected.

HYDRO REBATES

Ms Marilyn Churley (Toronto-Danforth): I have a question for the Minister of Energy. There are shocking suggestions that you are about to shower taxpayers' money on the very door-to-door power parasites who ripped people off in the first place. Agent energy advisers say you are about to give rebates not just to consumers but to electricity scam artists like Direct Energy. We're hearing the same thing from electricity insiders.

I'm sure that Ontarians will be very angry to hear that expensive rebates will go to bail out retailers who have misled, in some cases, Ontarians at the door, in some cases signing them to deals without their consent. Minister, will you confirm that you will absolutely not give rebates to rip-off artists like Direct Energy?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The member opposite raises some very specific allegations against a corporation in the province of Ontario. We believe in a number of things: we believe in honouring contracts and contract law. I can guarantee the honourable member that

we won't provide rebates to anyone where forgery or fraud was involved. There's no room for that in the province of Ontario. I challenge the member opposite to stand in her place and provide me with any specific evidence to back up the charges that she has made.

Ms Churley: You have not ruled out that you are going to be giving taxpayers' money to the private companies that went out there and in some cases ripped off consumers. That is absolutely shocking. Talk about deregulation disaster. Agent energy advisers say that giving rebates to energy retailers will cost us over \$100 million. So you are now going to be offering a direct subsidy to scam artists. You will be rewarding some people who've signed consumers to contracts with the consumers having no idea what they were signing. Minister, I am going to ask you again: why are you giving \$100 million of taxpayers' money to rip-off artists? That's shocking.

Hon Mr Baird: In the province of Ontario we have contract law. Some retailers allowed their customers to have the rebate flow directly to them, and in those cases, they generally paid a higher amount for a fixed-price contract. Other contracts assigned it to the particular retailer.

The honourable member has made some very serious allegations, saying individuals were signed up to retail contracts without their consent. If you have any specific evidence of criminal activity, I'd welcome it. You give it to me, and we'll be on it, pronto.

It's incredibly important that we respect contract law in the province of Ontario, but what also is important is that if responsible members like the honourable member stand in their place and make scurrilous accusations—if she has specific allegations of fraud that has been committed in this area that have not been investigated, she has a responsibility to bring them to the Ontario Energy Board immediately, and I challenge her to do that.

PENSION PLANS

Mr George Smitherman (Toronto Centre-Rosedale): My question is to the Minister of Finance. It's again on Bill 198 and the pension implications.

I want to introduce you and all members of the House to a gentleman named Bob Smallhorn. He represents more than 3,600 former employees of National Trust, which is well known to have been purchased by Scotiabank. The pension fund, which National Trust has not contributed to since the mid-1980s, has a surplus of \$160 million. The 3,600 former employees have been involved in negotiations around this and were awaiting the Monsanto ruling, until a certain minister stood up and introduced a piece of legislation in this House which retroactively wiped out the rights of about 200 different groups trying to get money back from companies where pension funds had been wound up.

So will you stand in this House, Madam Minister, and say to that gentleman, whom you've refused to meet with, why it is appropriate to jam a piece of legislation through this House with next to no debate, with no Tory

member speaking about the pension issues? Will you stand up, look that man in the eye and tell him why you're afraid to send this legislation out to public hearings?

Hon Janet Ecker (Minister of Finance): My office has received a request for a meeting from these individuals. It came in several weeks ago. It is being responded to, as requests for meetings are and should be.

This legislation was based on consultation that was done. There has been a public consultation paper. There have been meetings with stakeholders. There have been submissions. It has been announced publicly that we were looking at these issues. The proposals were clearly out there, and the goal here is to make sure that pensioners' rights are protected, that the viability of pension plans is protected. Again, perhaps the Liberal Party thinks employees should be spending time in court to define what the rights are. We think there needs to be clarity. This bill does not interfere with court cases that are going on. We specifically are not retroactively changing court decisions. This legislation is clearly there to protect the rights of pensioners—

The Speaker (Hon Gary Carr): I'm afraid the member's time is up. Final supplementary.

1410

Mr Smitherman: To the same minister, it looks like I'm going to have to send her another piece of paper.

There's another clause in your bill. We like to call it the Ecker hammer and it reads like this, under the heading "Conflict": "Subsection (5) prevails over the pension plan, over the terms of any document governing the pension fund and over any statute or other rule of law."

Madam Minister, you suggested in your answer that this legislation had nothing to do with cases before the court, but you know well, or at least you should, that there is only one case and that some 200 groups of pensioners were awaiting the Monsanto hearing. They have made applications to the superintendent and in one fell swoop of legislation you eliminated their rights and said that the court of law was no longer going to be a place where they could seek satisfaction. So since you don't understand your own legislation, and since you haven't had time to meet with that man, why don't you agree to public hearings, because you've got a little learning to do?

Interjections.

Hon Mrs Ecker: Maybe they don't want to listen, but what this legislation is clearly doing is protecting the rights of pension—

Interjections.

The Speaker: Minister, take your seat, please. We'll allow you to start over. I just wanted to make sure they could hear you.

Hon Mrs Ecker: Thank you very much, Mr Speaker. Obviously the Liberals aren't interested in listening to the answer.

What is very clear here: they can go out and try to say to pensioners that somehow or other rights are being

taken away. They are not. Employers have to apply where they have clear entitlement as they currently do in some pension plans. There is allowance for employers to have surplus in certain circumstances, as has been the case. Employers continue to have the obligation to keep those plans solvent. It allows employees in circumstances to have additional rights to be able to apply for surplus. They didn't have that before. If this legislation passes they will have that. It makes sure the bottom-line decision is the viability of the pension plan and nothing—I know the honourable member is not listening—is taking away the rights of pensioners in this province.

FOREIGN-TRAINED DOCTORS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): My question is to the Minister of Health and Long-Term Care. This morning a very important announcement was made at Toronto General Hospital by Premier Eves and yourself, Minister Clement. This announcement concerns a topic that is of great importance, not only to my constituents in Bramalea-Gore-Malton-Springdale but also to me personally.

I'm proud, like so many other Ontarians, to be an immigrant to this country. Canada was built by immigrants and will continue to grow because of their hard work. For some time now, one issue that has always been raised, not only by immigrants but also by Canadian-born citizens, is the topic of foreign-trained medical graduates and the problems they encounter in earning a living by plying their trade. Today's announcement on international medical graduates will open the door and allow these skilled and motivated professionals to do what they love doing best by helping others.

Would the Minister of Health please explain to this House the Eves government's plan to help international medical graduates work in their chosen profession?

Hon Tony Clement (Minister of Health and Long-Term Care): I'd be happy to explain, not only to my good friend the honourable member for Bramalea-Gore-Malton-Springdale but to this chamber, the latest health care initiative from the Ernie Eves government.

Today the Premier and I had the pleasure to unveil a new \$36.4-million, eight-point plan that will add more than 650 new physicians, mainly international medical graduates, to the health care system over the next five years.

Next year alone, we will see up to 150 IMGs provide medical service across Ontario, including underserved areas. This plan will make a real difference to the lives of the medical graduates themselves, long frustrated by a system that is keeping them from achieving their dream of stability and happiness for themselves and their families.

In the face of the worldwide shortage, we have found a way to create a plan that finds new and innovative ways to attract and retain the best and the brightest. This is a good day for Ontario health care.

Mr Gill: Thank you, Minister. I'm very happy about that response. As many members in this House might be aware, my riding of Bramalea-Gore-Malton-Springdale is made up of many hard-working constituents who will now be able to qualify for this program. On behalf of all of them, I wish to personally thank both Premier Eves and Minister Clement for all their hard work and dedication in introducing this great initiative.

Mr Speaker, as you know, my wife is among the many doctors currently practising in Ontario who are international medical graduates. Like all of those involved in the health care profession, she cares deeply about the health of her patients, and I'm sure she's very delighted by this announcement.

I'm also sure that all members of this House will be supportive of this latest announcement. Regardless of political affiliation, we all want to ensure that Ontario continues to possess the best publicly funded health care system in Canada. Could the Minister of Health please explain how this announcement was arrived at?

Hon Mr Clement: I would say to the honourable member and, through him, to his lovely wife, Dr Pamela Gill, that we have listened to a series of recommendations and, in fact, we created the format and the forum for these recommendations to have some fruition.

It's a rare moment in politics, perhaps too rare, where we can transcend the partisanship of the moment and support something that, in human terms, will make such a big difference to the people we serve and represent.

Today is one of those days, and I encourage members of the Liberal Party and the NDP to support this endeavour. It was indeed former Premier Bob Rae who admitted he had made a terrible mistake when he cut medical school enrolment. We are rectifying that mistake. In fact, we are going beyond that, to ensure that properly trained foreign physicians have an appropriate role in our health care system to increase accessibility, to increase service to ensure that health care works for Ontarians, and we are proud of that.

PENSION PLANS

Mr Monte Kwinter (York Centre): I have a question to the Minister of Finance. Madam Minister, I'm sure you know that I was Minister of Financial Institutions when I had to deal with the Conrad Black-Dominion situation. At that point, we were able to work out an accommodation that has stood in place for 18 years, has served both parties, the plan sponsors and the employees, well with a provision for some sort of negotiation.

Now we find—and this is really déjà vu all over again—you have suddenly turned all of that back. You have wiped out 18 years of a system that has been working. Not only that, you've made it retroactive to 1988. You have ignored the rule of law, and I really resent the fact that you are suggesting that we are fomenting this concern among those pensioners. It is just the opposite. I'm sure that all of your members have been getting inundated with e-mails, faxes and letters from

those people who are concerned about what is going to happen to their pensions.

Would you tell me why you would do it, why you would do it retroactively and why would you put these pensioners at risk?

Hon Janet Ecker (Minister of Finance): I take issue with the member's comment. We are not putting pensioners at risk.

Interjections.

1420

Mr Kwinter: Madam Minister, there are over 200 cases where an adjudication has to take place. You have decided in this legislation that, other than the Monsanto case, all others will be wiped out. How that works in a democracy I don't know. But how can you tell people, "You no longer have any rights. You no longer have any recourse to the courts, you no longer have recourse to your pension plans, because we have determined that the sole arbiter is the superintendent of pensions and he has the right to do what he sees fit"? As a result of that, you are putting a great many people in this province at risk. You have to know that and you have to know why this is such a concern. Can you tell me the motivation for what you're doing?

Hon Mrs Ecker: If it was so clear, if what the Liberals did was working so well, then why are there 200 applications waiting for adjudication?

Interjections.

Hon Mrs Ecker: Not before the courts—stop confusing the matter, to the honourable member. They are there looking for adjudication. What this proposes to do is make sure that the law, as it was understood, is very clear, so that pensioners' rights are protected, so that employers are not allowed to raid plans, so that employers continue to put into plans what they're supposed to put in, so that any decisions around surpluses—the bottom line is the viability of the pension plan. And nothing, despite what the honourable member is trying to portray, is taking away the rights of pensioners or interfering in any way with the earned rights of pensioners or workers in this province.

TOURISM

Mr Bart Maves (Niagara Falls): My question is for the Minister of Tourism and Recreation. As the member for Niagara Falls, I know first-hand the benefits of a strong tourism industry. Tourism is part of the Niagara region's diverse economy, creating countless jobs for the community and stimulating the local economy.

The tourism industry continues to recover after the terrorist attacks in the United States, due in part to this government's increased marketing efforts that totalled \$14 million. The partnerships we developed helped the industry during this difficult period, but the industry has not yet reached its full potential. Minister, as the new guy on the block, what are you doing to engage the industry to increase tourism in Ontario?

Hon Frank Klees (Minister of Tourism and Recreation): As the new guy on the block, I want to thank the member from Niagara Falls for his question. He is indeed a strong advocate for tourism, particularly in the Niagara region, and he's absolutely correct about the economic impact of tourism in the province of Ontario at large.

Tourism generates some \$20 billion in economic activity in this province and employs more than half a million people. It's also the world's fastest-growing industry and, by 2010, is expected to triple.

The member is right, we have to ensure that Ontario gets its fair share of that growth. Over the next number of weeks, we'll be conducting province-wide consultations, beginning tomorrow in Ottawa and Niagara Falls on Saturday. During the ensuing weeks, we will be visiting Toronto, Windsor, Peterborough, North Bay and Thunder Bay. The purpose of these consultations is to meet with stakeholders to get their input on how we can put Ontario in the forefront and develop a long-term tourism strategy for the province of Ontario.

Mr Maves: Thank you, Minister, for that response. I'm sure that the tourism stakeholders and businesses in my riding will be characteristically hospitable when you consult with them on Saturday. In fact, Niagara Falls is always a welcoming community.

The region's spectacular beauty will be showcased again this weekend at the 20th annual Niagara Festival of Lights. I am proud that the Ernie Eves government, through the Ministry of Tourism and Recreation, is investing again this year \$50,000 to enhance marketing for the event, which has welcomed over two million visitors and injects millions of dollars into the local economy. Anyone looking for something to do on Saturday should come on down to Niagara Falls and watch Mickey and Minnie and their gang as they help us kick off the Festival of Lights.

Minister, when you are consulting in the Niagara community this Saturday and in other communities across the province, what is it you are hoping to achieve?

Hon Mr Klees: I do look forward to joining the member at the Festival of Lights on Saturday evening.

As I indicated, the purpose of these consultations is to give an opportunity to the industry to provide input to our government on developing a long-term strategy for tourism in the province. We'll ask participants to explore issues such as, what do we need to do in the next five years to make Ontario the four-season, must-see destination for people considering travel? Some of the topics we'll discuss are: who is responsible for developing the new products, and what role can government play in assisting the industry in developing some of these new products. We'll look at ways to meet and surpass customer expectations of quality in the province and how we can remain competitive with other world-class destinations. We'll discuss ways to sustain the growth and development of Ontario's tourism industry, and to make sure we have the right priorities in place to build a stable

future for the industry—some 500 thousand people in the province depend on this industry for their jobs.

TORONTO TRANSIT COMMISSION

Mr Michael Prue (Beaches-East York): My question is to the Associate Minister of Municipal Affairs and Housing. Municipal transit systems in this province are hemorrhaging every day, and nowhere is this more apparent than in Toronto. The Toronto Transit Commission, Canada's largest, best and most efficient system, with 400 million riders a year, is starting to hemorrhage. Cuts have been costing about \$400 per rider over the last number of years.

The New Democratic Party is offering dedicated funding for transit and GO to keep rates down and cars off the road. To date, you have offered nothing. Is this your only solution: to do nothing and see fares go up as much as 40 cents a ride in this city?

Hon Tina R. Molinari (Associate Minister of Municipal Affairs and Housing): Certainly the member's concern with cities and the city of Toronto and all the issues around transportation are issues that we are very, very concerned about as well. In my consultation across the province of Ontario, there are various issues that come up, and they're different in every city I travel to.

We've invested numerous dollars in the transportation system, and our Minister of Transportation has made that very clear. We have asked the federal government to participate in a partnership with us and the municipalities to address some of these issues that come up on an ongoing basis, and we look forward to continuing that.

Mr Prue: There wasn't much substance in that answer. Riders pay \$240 million more in fares today than they did in 1995. Our once world-class city is spiralling down for a number of reasons: higher taxes, user fees, higher rents and transit fares that are out of control.

We in this party came up with a plan some 10 months ago to rejuvenate our cities, including transit. Yesterday the federal Liberals came up with their own plan to rejuvenate transit and stop gridlock. When are you going to fund transit and transportation to ensure that this city, the economic engine of our province, is maintained and gridlock is actually reduced?

Hon Mrs Molinari: I'd like to refer that question to the Minister of Transportation.

Hon Norman W. Sterling (Minister of Transportation): This government has provided the TTC with \$1.8 billion since 1995. Tomorrow, on the eve of the opening of the Sheppard subway line—we have put \$571 million into that project alone, over 60% of the cost of that particular line. We have given the city of Toronto \$126 million in this fiscal year alone. We have forgone asking the city of Toronto to pay \$50.8 million toward GO transit this year, which they can put into TTC.

If any government has put money into transit and has tried to improve public transit, it's this government right here.

PENSION PLANS

Mr James J. Bradley (St Catharines): I have a question for the Minister of Labour, who I hope can help us out with this problem. I have a letter from many constituents in my community, which reads as follows:

"I am a former employee of National Trust and I am writing to you about the pension law provisions proposed in Bill 198. I am one of over a thousand persons who have either lost their jobs or retired from National Trust, and I have an interest in the sizable surplus in the pension plan, which belongs to the plan members. Our case is currently before the superintendent of pensions in Ontario and we are expecting a positive outcome consistent with other cases that have required a distribution of pension plan surpluses.

"Bill 198 would wipe out our claim retroactively, wipe out any decisions or proceedings currently before the superintendent of financial institutions and would not allow us to take our case to the courts or elsewhere. We do not agree with the change in the law as it is contrary to the principles of any democracy" and wipes out "our rights after we have proceeded successfully to assert them under the law."

They ask the following, and I ask your help in persuading the minister with this: would you withdraw the pension provisions of Bill 198? Would you have a proper review conducted? Would you commit that your government will not support retroactive legislation which takes away people's rights? I appeal to the Minister of Labour for this.

1430

Hon Brad Clark (Minister of Labour): I was excited I had a question, but really it's for the Minister of Finance.

Hon Janet Ecker (Minister of Finance): Again, we took considerable time to consult before this legislation was drafted. We are taking, should it be passed, considerable time to work with stakeholders to make sure that the regulations are very clear about the criteria that govern in this case. As we have said, we are not taking away the rights of pensioners and we are not affecting their earned benefits. We are making it very clear that the viability of pension plans, to make sure those pension plans are safe and secure, is one of the very, very important tests that always has to be applied.

Mr Bradley: I've observed over the years all parties in government, and one of the mistakes they make, I think, is rushing important and complex legislation through the House without public hearings. This is a bill that actually lends itself to having some expertise. You can try to prove that you're right; the opposition will try to prove they're right. The public wants clarification.

Why wouldn't you simply have this, at the very least, go to a committee of the Ontario Legislature? Bring in those people who perhaps agree with you, those people who agree with what the opposition is saying, have this matter clarified and you can decide then whether you're going to withdraw the legislation, amend it or whether

you're going to proceed with it. That's a very reasonable request. Why wouldn't you do that instead of doing what you're doing today, and that is ramming the bill through the Legislature with no committee hearings and no further debate when it has some very important implications for people who are genuinely concerned about it? Why wouldn't you do that, and will you try to persuade your House leader of the wisdom of that particular suggestion?

Hon Mrs Ecker: I know the honourable member has a great respect for process, but this began in December of 2000. In December of 2000, the government announced publicly that we had a problem and we were going to consult to figure out how best to fix it. We put out a public discussion paper that was freely available. We said in the budget this spring that we were going to move forward with putting in place the results of the consultations we had done. We had another series of meetings. There have been many submissions from experts from the labour side, the employer side, pensioners; they've all been duly considered, as they should be. All of that input has gone into the drafting of this legislation. It is something that has taken considerable time and considerable reflection. The important priority here is protecting the viability of plans and protecting the benefits of pensioners. This legislation does not take that away.

TEACHERS' STRIKE

Mr Norm Miller (Parry Sound-Muskoka): I have a question for the Minister of Education. As you well know, secondary teachers in the Simcoe Muskoka district school board went on strike a few weeks ago, followed by the elementary teachers last week, affecting more than 7,000 students and their families. The future of these students should be this government's first priority, and they should not be held hostage by unions and the boards. The priority should be ensuring the education of students, and we should act before it is too late. Minister, can you tell us what the government is doing to protect the rights of students?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): It's always regrettable when there are disputes between boards and their employee associations. I would hope that both sides would keep in mind the students and, obviously, the need for the students to return to school as quickly as possible. However, it would be inappropriate for me as Minister of Education to interfere in the collective bargaining process. So I would urge both parties to get back to the bargaining table and I would urge them to continue to put the students first.

Mr Miller: Minister, my office has been inundated with phone calls from concerned parents and students affected by the strike. Many feel their school year will be in jeopardy, especially those students who are in the double cohort year. Can you tell me and my constituents

what actions can be taken to protect the school year and not jeopardize the students' chances for success?

Hon Mrs Witmer: This is a legal strike, but I think we also need to recognize that there is a point where students' right to receive a quality education starts to supersede everything else. So there is a process in place to ensure that the school year will continue to be a success. There is an independent body called the Education Relations Commission that does have the mandate to advise the Lieutenant Governor when the school year would be in jeopardy. I just want the member to know that if that committee, the ERC, were to make a decision, the government in the past—and I would stress "in the past"—has received that advice and they have received all-party consent for speedy back-to-work legislation.

PENSION PLANS

Mr George Smitherman (Toronto Centre-Rosedale): To the Minister of Finance: Madam Minister, I have here your consultation paper that you spent an awful lot of time hiding behind today. I read this paper. It has no mention of retroactivity, which is a central element of your legislation. It has no mention that regs will overrule documents, statutes and the rule of law—none whatsoever. It has no mention of removing the right of appeal to the courts.

You made reference to the 200 bodies waiting to have a ruling as a sign of how bad things were. That's because your superintendent, pending the outcome of the Monsanto case, has refused to deal with them. The much larger line is the one that will quickly form after your superintendent approves the first corporate raid. We can be sure that the corporate raiders will be tripping over themselves to rob these surplus funds. Madam Minister, instead of approaching this issue on a partisan basis, will you recognize that in Ontario, and even in Scarborough Centre, there are people with genuine concerns about the impact of this legislation? It's complex, it's detailed and it deserves public hearings. Will you agree to them now?

Hon Janet Ecker (Minister of Finance): This is an issue that has been under consideration since we first announced that we would be moving forward with a way to avoid lengthy court battles, to avoid having employees having to feel they had to go to court to establish rights in pension surplus. This has been ongoing. There has been consultation. There has been a public paper. We've had submissions. We are going to continue, as we have said, to work with stakeholders on the development of the regulations to make sure that the viability of pension plans is the uppermost priority here, that the rights of pensioners are protected, the earned rights of workers in their pension plan are protected, and we will do that.

Mr Smitherman: Minister, I find it interesting that you keep referring to the courts. I just wanted to let you in on a little secret. Some people go to the courts in search of justice, but in this bill you trample their rights and you say that that's no longer available to them.

The Canadian Association for the Fifty-Plus, in an open letter to the Ontario government released on November 12, called Bill 198 "a licence to steal." This is not a group, I think, that spends all their time trying to find some new hyperbole to inflame a debate. It's a group that represents hundreds of thousands of Ontarians who have legitimate concerns. You made reference earlier to your inability, due to time constraints, to meet with a man who represents almost 4,000 people who are influenced. You said that you'd get to it at some point.

Madam Minister, there's plenty of evidence here today that you haven't read your own legislation, that you don't understand the implications of it, that you have not had a complete consultation with all the parties. Will you agree to slow it down just a little bit so that we can have public hearings and allow Ontarians to voice their opinion?

1440

Hon Mrs Ecker: There has been considerable consultation on this. There have been meetings with all of the stakeholders. There will continue to be meetings with the affected stakeholders, as there should be, in terms of the regulations that will apply should this legislation pass. We will continue to do that because protecting the pension rights of workers is very important. That is a pre-eminent goal here: making sure there are clear rules so people know what their entitlements are, making sure that employers are continuing to support those pension plans as we want them to do, making sure that surplus sharing agreements negotiated with workers are there.

Interjection: They're gone. They're gone.

Hon Mrs Ecker: The honourable member says they're gone, and again, the honourable member is wrong.

FEDERAL-PROVINCIAL FISCAL POLICIES

Mr Wayne Wettlaufer (Kitchener Centre): I also have a question for the Minister of Finance. Every Ontarian knows that the federal government is not only able to accumulate but does accumulate massive budget surpluses. The federal finance minister continues to forecast that the trend of big federal fiscal surpluses is expected to continue for some years to come. As the federal government books these fiscal surpluses by collecting tax revenue from the provinces, we would all like to know if Ontario gets back anywhere near what it provides to the federal government in tax revenue. Furthermore, my constituents are in my office regularly, demanding to know what our government is doing to represent the interests of Ontario citizens and taxpayers. They want to know what Ontario's contribution to the fiscal balance sheet of Confederation is.

Hon Janet Ecker (Minister of Finance): I know the Liberal Party here, the cousins of the Liberals in Ottawa, don't think this is an important issue, but taxpayers in this province think it's extremely important that in this fiscal year, Ontario citizens will contribute \$22.8 billion more in taxes and non-tax revenues to the federal govern-

ment than they receive in federal program spending and in paying their share of the federal government's debt interest costs. This means that each Ontarian contributes almost \$2,000 more to the federal government than he or she receives back. We have 38% of the population; we only receive 30% of federal spending.

We in Ontario recognize that Ontario is a very well off, wealthy, prosperous province because of the economic policies of this government. We're prepared to help with equalization payments with other provinces. But we do believe that the federal government needs to take a serious look at its revenues, at the province's revenues, at its responsibilities and the province's responsibilities to ensure taxpayers—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up. Supplementary?

Mr Wettlaufer: Minister, thank you for explaining the gross fiscal imbalance between Ontario and the federal government, but there are some constituents in my riding who do have concerns about the amount of the equalization payments. They are constantly comparing Ontario to Quebec—the difference in imbalance. They compare, for instance, the amount that is taken out by the federal government in gas taxes, to the tune of \$1.3 billion every year, and they're only putting back \$25 million in highway improvements in Ontario. They're complaining about the federal government collecting GST on hydro debt paydown.

But I have a concern that directly relates to my constituents, and that is health care. I need a few clarifications for the many constituents who are complaining to me about health care—the increases in health care spending that we, as a government, in Ontario have made every year since 1995. But the provincial governments can no longer afford to pick up the slack of the federal government. The federal government taxes Ontarians, but it continues to hold back its share. Even Roy Romanow has criticized the federal government.

Minister, I need you to be very specific. How—

The Speaker: Order. I'm afraid the member's time is up. Minister?

Hon Mrs Ecker: It is indeed, as my colleagues say, an excellent question. I'm glad he mentioned electricity bills, because we here in Ontario do not charge PST on electricity bills. The federal government charges GST on those bills. We don't think that's appropriate. We think they should change that.

But on to another equally important issue: health care. I know the Minister of Health would love us to make this message very, very clear so Ontario residents understand this. Since 1994-95, the payments to Ontario from Ottawa for important things like health care have only gone up \$172 million, where this province, because of the importance of health care to our citizens, has increased health funding by over \$8 billion in that same time frame. So clearly, the federal government must do its part. We're prepared to do our part. Citizens demand no less of either government.

HEALTH PROFESSIONALS' COLLECTIVE BARGAINING

Mr Peter Kormos (Niagara Centre): I have a question to the Minister of Labour. Ontario's OPSEU health professionals have not had a contract for eight months. Negotiations, central bargaining broke down in June of this year. You will know that yesterday those same health professionals voted 91% in favour of whatever it takes to obtain a fair contract. This is a very volatile situation. Will you help restore confidence in the arbitration process that they will be subjected to by calling upon the parties to submit a joint list of arbitrators from which you will choose the arbitrator?

Hon Brad Clark (Minister of Labour): The member knows full well the process in terms of hospital labour dispute arbitration. From my perspective, if the two sides want to decide that they want to go into a mediation-arbitration process, they have that opportunity. They can do that. If they would like to jointly decide upon an arbitrator, they can do that also.

At this particular point in time, they really should be back at the table negotiating in a collective agreement. I am eager to see that they solve the problem, and we are awaiting final disposition. If they can't come to a decision, then we can appoint an arbitrator and our arbitrators are, I'd argue, sir, always impartial and unbiased.

Mr Kormos: I say to the Minister of Labour, please, this is a very volatile situation. You can demonstrate leadership. You can help influence the restoration of negotiations and, barring that, assure the parties that there will be thorough fairness in the arbitration process by standing and declaring today that you'll use a protocol of procedure that quite frankly isprecedented. It was used to great success as part of the resolution of the Toronto inside and outside workers represented by CUPE. Both parties similarly agreed on a list of arbitrators from which this government chose the arbitrator.

Show leadership. Help defuse this situation, and please tell us that you will call upon those parties and prepare a joint list from which you will choose the arbitrator.

Hon Mr Clark: We have shown leadership. Our mediator has been working with the two parties. We've encouraged them to proceed with collective bargaining. That's how the process will resolve itself. It's important to note that 98% of all labour disputes in Ontario are settled through collective bargaining.

If the two parties, as you're suggesting, are keen on going through a mediation-arbitration process, then they should be making it known to me personally.

VISITORS

Ms Marilyn Mushinski (Scarborough Centre): On a point of order, Mr Speaker: I'd like to recognize Kelvin Chai Yung Ko, who is with us here today. Mr Ko has served as the director of the Cultural Centre of the Taipei Economic and Cultural Office since 1998, and he's leaving Ontario and Canada on Monday, November 25,

for a new appointment. He is here with a number of supporters this afternoon. I'd like him to be recognized.

1450

PETITIONS

LONG-TERM CARE

Mr James J. Bradley (St Catharines): My petition is addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% over three years, or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year, effective September 1, 2002; and

"Whereas this increase will cost seniors and our most vulnerable more than \$200 a month after three years; and

"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario for 2002; and

"Whereas, according to the government's own funded study, Ontario will still rank last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care;

"Whereas the long-term-care funding partnership has been based upon government accepting the responsibility to fund the care and services that residents need;

"Whereas the government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan back in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We the undersigned petition the Legislative Assembly of Ontario as follows:

"We demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and that the provincial government provide adequate funding for nursing and personal care to a level that is at least at the average standard for nursing and personal care in those 10 jurisdictions included in the government's own study."

I affix my signature as I am in complete agreement with the sentiments expressed in this petition.

The Speaker (Hon Gary Carr): The Government House leader for the order for next week—

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I'm sorry, it isn't, Mr Speaker. And, if I mislead you, it's a consent motion.

The Speaker: A consent motion? Yes.

Hon Mr Stockwell: Mr Speaker, I seek unanimous consent—and I'm searching for the people; there's one. Good. I seek unanimous consent to move a motion respecting consideration of Bill 177 without notice.

The Speaker: Is there consent? Agreed.

REFERRAL OF BILL 177

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move that the order for third reading of Bill 177, An Act to amend the Municipal Act, 2001, the Municipal Elections Act, 1996 and other Acts consequential to or related to the enactment of the Municipal Act, 2001 and to revise the Territorial Division Act, be discharged and the bill be referred to the committee of the whole House.

The Speaker (Hon Gary Carr): Do we need clarification? Is everybody clear? Everybody is clear on that? Agreed.

Back to petitions.

HYDRO RATES

Mrs Marie Bountrogianni (Hamilton Mountain): "To the Legislative Assembly of Ontario:

"Whereas Ernie Eves prematurely opened hydro distribution to the market without a mandate from the people of Ontario; and

"Whereas there are inadequate or no protection mechanisms for consumers;

"Whereas the price per kilowatt hour for electricity in the province of Ontario has nearly quadrupled since May 1;

"Whereas the Ernie Eves government has left Ontario citizens to be mercilessly gouged by the unregulated electricity market;

"We, the undersigned, petition the Legislative Assembly of Ontario to move immediately to protect citizens and our province's electricity, to strictly regulate hydro rates and to issue hydro rebates immediately."

There are over 7,000 signatures here, and I've signed this petition.

BUSINESS OF THE HOUSE

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Pursuant to standing order 55, I have a statement of business of the House for next week. Orders of the day will be next.

On Monday afternoon, Bill 191, emergency vehicles, and on Monday evening, Bill 209, bereavement.

Business for Tuesday is still to be determined.

Wednesday afternoon will be a Liberal opposition day. In the evening we will continue with Bill 209.

Thursday morning, private members' business: we'll be debating ballot item 71, standing in the name of Mr Kennedy, and ballot item 72, standing in the name of Mr Sorbara. The rest of Thursday's business is still to be determined.

ORDERS OF THE DAY

TIME ALLOCATION

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 198, An Act to implement Budget measures and other initiatives of the Government, when Bill 198 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill, without further debate or amendment, at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That, when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on second and third reading may, pursuant to standing order 28(h), be deferred; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Speaker (Hon Gary Carr): Mr Stockwell has moved government notice of motion 64. Time for debate.

Mr Gerry Phillips (Scarborough-Agincourt): I want to begin by saying that what we're dealing with here, and the public should recognize it, is a closure bill: a bill to shut off the debate on what the government calls a budget bill. In reality it's not a budget bill; it is truly what's called an omnibus bill. For those who have been watching the question period session, we've seen the problem here today. The government has put into this "budget bill" amendments to 27 different acts. The public has a right to be outraged. It is an insult to democracy; it truly is.

The government has its majority. It can do whatever the heck it wants, and it will. But this budget bill, introduced a few days ago, as I say, amends 27 different acts in major ways. The securities changes are in here. Major changes to auto insurance are in here. The decision to abandon something called the Taxpayer Protection Act is in here. The government, by the way, got elected on the basis of saying, "We're going to enact something called the Taxpayer Protection Act that will guarantee you that we can't raise taxes." Well, this bill raises \$1.5 billion worth of taxes. It's all in this one bill and it's all designed to be rushed through this Legislature.

The public may say that it may or may not be concerned about that, but let me use an example today: there are enormous changes to the Pension Benefits Act in this bill. It has nothing to do with the budget. It was never mentioned in the budget. It is a clear attempt to ram through significant changes for pensioners hidden under a "budget bill." We're not here to do our business; we are truly here to do the public's business. The public have a right to know when major legislative changes are being

made that will have a profound impact on them, and they have a right to have an input into that, to discuss it. But no, this bill was introduced a mere few days ago, and as of six o'clock today, it will essentially be law. The debate will be over. There is no more opportunity for any debate on this bill. The motion we've heard will essentially say, "At six o'clock today, we'll vote and we will no longer ever debate this bill."

I would say to the public, and I will use the example of the changes in the Pension Benefits Act, that what this bill does—I'll focus on just one aspect of the bill that it hugely impacts. There are at least 200 major pension plans affected by this bill. It affects all those pensioners who may have been either laid off as a result of a company downsizing or as a result of a company winding up its pension.

There is a case in court called the Monsanto case that is being used by the pensioners of those 200 companies to make sure their pension rights will be looked after, to make sure they would have access to surplus funds, as has been the case since at least 1988. This bill will essentially say to all those pensioners, "You no longer have any rights. None of you will be able to go to court to be able to argue your case." Furthermore, this law is retroactive to 1988. What really, frankly, offends me is that the government, and this was true in the briefings we had with the government, essentially said, "It's just a minor little move. Don't you be worried about it." It has taken the pensioners who got into the detail of it, along with their advisers, to really alert us to the fact that this is a huge change.

1500

Today we hear the Minister of Finance essentially saying to us, by the way, "Well, you in the opposition are just fearmongering." Let me tell you, when you affect someone's basic pension, the thing that people are going to rely on for the rest of their lives for their very well-being, they have a right to be concerned and angry, and they are. I say to the government, believe me, you are making a huge mistake here in ramming this through. The public should recognize that the bill was introduced just a few days ago. We began debate on it—I remember it well—four sessional days ago. We have had this in the Legislature now for four sessional days, as they are called. Essentially, we've had probably in total about six hours of debate on this bill involving changes to 27 acts.

I just use this one example of the Pension Benefits Act, where you are taking away rights of employees represented by at least 200 companies. The minister today, in what I thought was quite an astonishing statement, said, "Well, we don't want to put pensioners through all this trouble of having to go to court to get their rights, so we'll take away their rights to that and we will allow the employer to go to the superintendent and apply unilaterally on how the employer wants to deal with the surplus." So if the public ever wanted to see a reason why we in the opposition get so angry when the government decides it is going to introduce a huge bill—as I say, it amends 27 different acts and, by the way, it

establishes two new acts. It's called a budget bill, but the majority of the material in here has nothing to do with the budget.

The classic case is the amendments to the Pension Benefits Act. My colleague from St Catharines, among others, today said, "Listen, surely the public are owed an opportunity to come before the Legislature, their elected officials, and to make their case." I will warn the government: when you are so arrogant that you think you can simply do whatever you want and not even give the public an opportunity for input, you are starting toward your own demise. There's no question of that.

The total bill I find offensive because I think it deserves substantially more debate and the public have a right to input, but I am particularly offended by the decision to rush through the changes to the Pension Benefits Act. The minister today said, "We have consulted." Well, they consulted with the industry, and then they made dramatic changes from even the basis on which they consulted the industry, and they are retroactively going back to 1988 and taking away rights of pensioners. They are giving the employers an opportunity to unilaterally apply to have access to those surpluses. Make no mistake about it: this is a huge win for Bay Street, but it's a huge loss for Main Street.

Those who watch the proceedings here will find that in less than three hours the debate will be over on this bill. There will be no further opportunity for pensioners to comment on it. Essentially it will be law, because we will have no more debate on it; it will simply be passed through this Legislature. I think that's tragic. The pension benefit changes are wrong, they take away fundamental rights, they will affect literally thousands of pensioners, and it's a huge bonus to the companies but a huge detriment to the pensioners.

Secondly, I think that the people of Ontario have a right to be outraged when they say, "Listen, we elect you, not to do your business, we elect you to do our business. You are there to represent us," and the pensioners can't even have an opportunity to be heard. As I say, this debate will be all over in a matter of three hours and this will be law, and I think it's a huge mistake.

The Speaker: Further debate?

Mr Tony Martin (Sault Ste Marie): I was just saying to my colleague from Niagara Centre a few minutes ago that I can't believe we're here only a day or so into debate on a huge budget bill, a budget bill that is going to have some significant impact on the people of this province but a budget bill that has missed an opportunity to do a complete review of the impact of the government's agenda and initiatives where the economy is concerned over the last six or seven years, that has hurt significantly major chunks of this province, geographic areas as well as sectors, and not allow people out there affected by these decisions and these programs or lack of programs to come forward and talk to us about that so that we might all together decide, then, what is in the best interests of the province and the people who live here.

I find it absolutely shocking that, day after day here now, since we came back in September, we're confronted with major pieces of legislation—huge pieces of legislation—omnibus bills, budget bills that include everything from nuts to doughnuts, with very limited opportunity for debate and, in particular, very limited opportunity to go out to the public for committee hearings so we might hear from people about these important matters and include their input and comment in the final version of what we approve here as the program of the government so that we are all confident that, at the end of the day, we can move forward.

But that's not happening. That is absolutely not happening. This government is in control of this whole process, it needs to be understood. The government sets the agenda, decides how much time is going to be allocated to what, decides when it is time to bring in time allocation, decides when it's time to cut off debate, decides when it's not helpful to them or politically expedient to them to take important pieces of public policy out to the communities across this province and then turns around in their comments in here—you'll hear it again and again—and attempts to blame that somehow on the opposition, that somehow we're dictating or driving the agenda, that we have some ability to decide or control or affect decisions where going out to the public or further debate is concerned. That's just got to be the furthest thing from the truth.

Time after time we see, as we come here day after day these days, time allocation motions that virtually tie the hands of members duly elected from constituencies that expect them to come here and speak out on their behalf and tell the government how policies are affecting them directly in their lives so they can feel confident that somebody is hearing what they have to say, somebody is perhaps understanding the impact and somebody is perhaps interested in the suggestion they might have to make some positive and constructive change.

But that, alas, doesn't happen and that, in my mind, is unfortunate. It's an insult to the democratic process, to the democratic tradition that has grown up in this province over a long period of time now. Different ilk of government—Tory, Liberal, New Democrats—who have recognized and respected the importance of due process, and the need for full and comprehensive public consultation and debate on issues of matter and significant impact on the lives of their community and their day-to-day lives. It just isn't happening and that's too bad.

1510

I know, for example, that when I go back to my constituency on Fridays, I sit down with groups. I do that all the time. I'm going back tonight and I'll be meeting with different groups over the course of tomorrow and the weekend, trying to do my little bit the best I can to hear from people and bring it back here and put it on the record. What they're saying to me is that they've never seen anything like this. Every day they wake up there's another edict coming down that affects the way they do business.

Whether it's ordinary citizens or somebody trying to deliver education or health care, they're struggling with a lack of resources, with new regulations they can't possibly live up to or pay for, with new guidelines that tie their hands in terms of trying to be flexible and creative in front of new challenges that present at their doors almost every day—no opportunity to talk to anybody; no opportunity to challenge or to confront; no opportunity to give advice or to give guidance as to how this is going to work out, or whether it's smart or not smart.

They also make the comment, and I take the criticism with some degree of pride here this afternoon, that when we were in government between 1990 and 1995, we consulted too much. I would prefer to be criticized for consulting too much, for trying to hear from people as much as is absolutely possible about those things that affect the common life and common good of this province, than to be accused of being a dictator, of simply unilaterally driving things through, of not being willing to listen, of not being willing to own up to the fact that perhaps it might be good to have consultation because we make mistakes from time to time, and it's better to catch them before than it is to catch them after and then have to do clean up and respond to the damage that has been done.

That probably presents no more obviously and tragically then in some of the circumstances we all, every day now, read in the newspapers and see in the media. Dudley George, for example: the drive to resolve that issue of not respecting the long-standing tradition of negotiation and debate and discussion about those issues that are so important to our First Nations people. The tragedy at Walkerton: this government decided that it needed less government, that it didn't need the inspectors and the oversight that had been put in place over years to make sure we're protected. There is the environment, the air, the eco-system, and in this particular instance in Walkerton, the water. We didn't think we needed the oversight that was put in place over years to protect the water. Alas, at the end of the day, because of that sort of knee-jerk, backroom, unilateral decision to cut inspectors and cut resources to communities to protect their water and to make sure it was tested properly, we ended up with some very serious tragedies. A significant number of people are dead and others were very sick.

I've been watching, just recently, the inquest that is being held in Sudbury around the case of Kimberly Rogers, where this government systematically, from almost the day they got elected, decided to attack the poor in this province. That goes to the heart of this budget, because there's absolutely nothing in here that indicates they've learned anything from the last seven or eight years, never mind from the very tragic circumstance surrounding the death of Kimberly Rogers.

The ministry that is central to this whole issue is not even at the inquest. The Ministry of Community, Family and Children's Services has chosen not to seek standing. So they're not there participating, asking questions, bringing forward witnesses and trying to get a handle on

how this could happen in Ontario, how a pregnant woman on Ontario Works in this province could die, and not to diminish in any way the circumstances that surround that and need to be looked at.

The government has chosen very clearly not to hold themselves out there as responsible, in any way, shape or form for the very tragic conditions that poor people find themselves having to live in in this province as we move into the 21st century now. The Kimberly Rogers example is one very obvious, public and tragic example where the government made changes that turned poor people into criminals. On one day you could collect family benefits and collect a student loan and go to school, and the next day, because of a change in regulation by this government, if you did that you're considered a criminal. You're hauled before the criminal court and, if you're found to be in contravention or to have done fraud—

Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation): How much consultation did you do on the social contract?

Mr Martin: We did consultation on the social contract, Mr Flaherty, until after the long weekend in August that summer, if you want to talk about consultation. What consultation did you do on welfare? What consultation did you do on Kimberly Rogers? What consultation did you do around the tragic death of Dudley George? What consultation did you do around the tragic deaths that happened in Walkerton and the changes that you made in the Ministry of the Environment? What consultation did you do on those and what was the result of that, Minister? Talk about being responsible and accountable: what consultation have you done on this budget that we're time-allocating through here today? What consultation did you do with the workers of this province around the provisions in this act which will see employees lose any surplus that would arrive in their pension packages?

Those are the questions you need to ask the minister here today yapping across the way, Mr Right-Wing himself, Mr Alliance Ontario himself, as he tries to ram that kind of an agenda down the throats of the people of this province. Tell that to the family of Kimberly Rogers. Tell that to the family of Dudley George.

Hon Frank Klees (Minister of Tourism and Recreation): On a point of order, Speaker: As you so often stand up here and remind, whoever the Speaker is in the Chair, that the member opposite is far off topic, is saying nothing about the bill before him, I would ask you to bring him to order to get him back on track.

The Acting Speaker (Mr Raminder Gill): That is not a point of order. The member for Sault Ste Marie, please continue.

Mr Martin: The minister obviously has forgotten that this is a time allocation motion and we can say whatever we want here this afternoon. But I will focus on this bill and I have been focusing on this bill. I've been talking about the lack of consultation that is going to happen on this bill as we move forward in this place in this so-called democracy, as the Alliance Party across the way drives

its agenda down the throats of the people of this province, as economies across the province, in the north and rural Ontario, go down the toilet, as people lose their lives and their livelihood, and as none of us knows any more what we can count on from government by way of public service, whether it's education or health care or social services.

This government has missed opportunity after opportunity over the last seven years to make the kind of investments in this province that would serve us into the future. They have systematically and irresponsibly chosen, time after time, to ignore the fact that there was a good economy out there. When you have a good economy out there, you need to be taking some of that money and shoring up and investing in those things that you know you will need when the economy goes into a dip, as it has at the moment. It will be there then to serve you when you need to put money into and look after the services that we've all come to agree collectively are necessary if we're going to continue to lead in the way that we do the economic growth in this country and, I dare say, across North America.

1520

Alas, that's not the intention of this government; that's not their approach; that's not what they choose to do. So here we are this afternoon, yet one more time, debating an allocation motion on a budget bill, a bill that will have serious and significant impact on the people of this province, and yet there is nothing in it, absolutely nothing in it, to respond to or give answer to any of the major dilemmas that we see out there.

Before I was so rudely interrupted by the Minister of Innovation, if you can imagine, Mr Alliance himself, Mr Flaherty, I was going to talk about the very real impact of this government on the lives of the Kimberly Rogers family now, the lives of Dudley George's family now and the lives of all those people in Walkerton who are no longer with us, and what it is that they are going to do to make sure that that never happens again, and that in fact the communities out there that need the money to make sure that those tragedies don't happen are able to, in some way, generate it.

As we speak there are literally hundreds of people on the streets of this, the richest city in the country, sleeping on the sidewalks at night. As the winter comes at us and as the weather continues to get cold there will be significant numbers of them who will not be with us in the spring of next year because they will die, because they don't have the services and the support of this government.

The first thing this government did, the first missed opportunity this government participated in when they got to be government in 1995, was to cut by 21.6% the income of the very poorest of our citizens and to tell them that they should be satisfied with that, not recognizing that when you give money to poor people, that money is spent almost immediately in the cash registers of every small business in the communities in which they live—a tremendously direct and important and positive

economic stimulus to a local economy, particularly in a community where perhaps there are some difficulties and some adjustments that need to be made. This government didn't consider that. They wanted a victim.

When they came to power in 1995, they walked in like the bully does into the schoolyard. They looked around for the weakest and the smallest and the most vulnerable and then beat the crap out of them, just to set the tone. Believe me, it was a tone that took hold in this province—intimidation and bullying and direct action by this government that has affected the lives of literally millions of citizens and their families across the province. Did they take advantage—

Mr John Hastings (Etobicoke North): On a point of order, Mr Speaker: I refer to certain phraseology made by the member opposite in his discussion. The specific word, if you didn't hear it, was "crap." I'm just wondering if that word is OK in parliamentary language here. If it is, then let's start using it and a lot of other words associated with it.

The Acting Speaker (Mr David Christopherson): I didn't hear the phrase—

Interjections.

The Acting Speaker: Are we done? I do apologize for not hearing every word that was said, but if there was something unparliamentary said, I would offer the member an opportunity to withdraw it. Then we'll see where we are at this point.

Mr Martin: In my view there was nothing unparliamentary said and I have nothing to apologize for, Mr Speaker. Every word that I said of criticism of this government is well earned, and will be said over and over again in the little time that we have left here in this place before we go to election, probably in the spring of next year.

Now that I've covered that gamut and talked about the missed opportunity that this government has bestowed on us for the last seven years, seven years of missed opportunity—and that is nowhere more obvious than in northern Ontario, where this government has ridden the crest of a very exciting and positive economic upswing, as we said here, mostly driven by the good economy in the US and across the world. In doing that, in simply riding that wave and not understanding the underpinnings and the weakness in it which is now beginning to show as we see the Enrons and the WorldComs of the world begin to collapse and crumble in front of us, they turned their backs on that part of the economy that has served this province so well over so many years and is so central to anything positive and exciting happening in the part of the province that I live in and represent in this place, and that's northern Ontario.

Northern Ontario has not in any significant way benefited from any of the economic stimulus or good times that have happened in southern Ontario for two reasons: leaders of industry have chosen to focus on some of the more exciting and new sort of e-commerce and virtual economic opportunities that are out there in the technological world of computers, and have not been

interested in developing the resource-based economy, not been interested in adding value to and working with us who live in northern Ontario to restructure that economy so that it continues to serve us in the way we know it has to if we're going to have a solid and firmly based economy, a confident and stable economy moving forward into the next 10 and 20 years.

We've suffered. We've experienced a recession in the north—and, I would suggest, probably in good parts of rural Ontario as well—which has not kept up with some of the growth that has happened in some of the larger urban areas in the province. Not only that, we've had a government here that not only didn't pay attention to some of the things that were going on but contributed in a significant way to the negative turn of events in northern Ontario by decisions it made to reduce the size of government, downsize departments in different ministries and get rid of vehicles that were put in place over many years by governments of different stripes to make sure the very cyclical economy that happens out there in big parts of the province becomes less cyclical and more stable, so that more confidence could be generated in those who choose to invest in those parts of the province.

I did a little analysis of that reality over the last few months, so that I might understand it and then share that with the good folks out there. Just by way of example, so that people understand what I'm talking about in terms of negative growth, there isn't a community in northern Ontario that hasn't lost significant population since the census done in 1996, a year after these folks took office, until the year 2001. That's probably the clearest and most obvious evidence that there's something wrong in that part of the province and with the economy of that part of the province.

The other thing that indicates there's a problem up there is job stats. This government is more than happy to get up from time to time and take the latest stats that come out that indicate there have been more jobs created. They never factor in the fact that with those jobs created there were probably twice as many that went out of existence. Let me just tell you, here's a piece that came out in May 2002 that indicates that since March 2001 more than 14,700 jobs have been lost from the north-eastern Ontario labour force, a decrease of almost 6% according to Human Resources Development Canada. It says that March was the eighth consecutive month of job losses in the area. A total of about 3,400 of those jobs were full-time positions. So, contrary to the public relations spin you'll get from across the way in terms of the creation of new jobs and the increase in job opportunities, that is not the case. At least it's very clearly not the case in northern Ontario.

Let me talk a little bit about the northern Ontario economy and what I say has in fact happened and what's contributed to that decrease. It's assumed that the northern Ontario economy is reliant on resource and public sector activities. This can be confirmed by anybody who wants to do an analysis of the census—where people work and what they do for a living in the north. Using

Statistics Canada definitions, the resource sector is defined as fishing and trapping industries, logging and forestry industries, mining—which includes milling—quarrying and oil wells. Resource-related manufacturing is not included in this definition. Using Statistics Canada definitions, the public sector, which is the other sector that's so important—there are two engines that drive the economy of northern Ontario: the resource-based Industrial sector and the public sector. The public sector is defined as government service industries, educational service industries, and health and social service Industries—and it's noted that in this analysis, "public sector" is not broken down by level of government; we're not doing federal, provincial and municipal. There has been an overall decline or cutback in government services at whatever level you look at over the last six or seven years. It seems that governments at the different levels have caught a similar malady.

1530

The GDP associated with these sectors is measured in inflation-adjusted 1992 dollars. When I give you the figures I'm going to give you here, you also have to know that the tax breaks which have been given have been factored in as well, so they're not included. GDP associated with these sectors began at \$47,249,100,000 in 1984, peaking in 1995 at \$55,771,100,000. Since then, it has fallen to \$53,929,400,000. This represents a cumulative drop of 3.3% in the GDP in these sectors in northern Ontario. The average annual rate of growth between 1984 and 1991 was 2.1%. It fell to an average annual growth rate of 0.5% between 1992 and 1995.

Now, this is what's interesting, because this is when this government was in charge: between 1996 and 1999, the GDP fell by an average annual rate of 0.8%. So under the watch and management and economic guidance of this government, the GDP of northern Ontario and those two sectors fell by an average annual rate of 0.8%. The average annual rate of growth for the rest of the economy was 2.9% between 1984 and 1991, 3.1% between 1992 and 1995, and 5% between 1996 and 1999.

This government wasn't able to translate that growth in the economy of the urban centres of this province to an overall positive effect for the rest of the province, something that other governments were always able to accomplish by taking leadership, by developing vehicles to work with the people of those areas of northern Ontario to readjust, restructure or rebuild their economy and by providing resources to communities, individuals, businesses and groups to either keep themselves alive, develop new product lines or invest in new companies altogether.

So the message in all this is that the northern Ontario economy has been hit by a one-two economic punch since 1995. First, the resource sector of the economy has been in recession. Second, the public sector has undergone a major retraction. The result? While the rest of the economy has boomed with the US economy, increasing by an average of 5% per year, the sectors most important to the northern Ontario economy have undergone a

recession largely created by this government because of its lack of attention to the resource-based economic sector and its cutback in public or government resources to actually give leadership and affect the economic viability of those communities.

Let me just tell you briefly in the few minutes I have left, because I want to leave some time for my colleague from Niagara Centre to speak on this, that some of the vehicles this government actually removed or changed the mandate of, which were so central and important to stabilizing the northern economy, to creating some confidence in the northern economy that would attract investment, vehicles like the Ministry of Northern Development and Mines, which has become a shell of its former self—if you talk to anybody either working in it or working with it, they'll tell you that it has been gutted. Hundreds of people have gone out of that ministry, offices have been closed across the breadth of northern Ontario, and there with it has gone any ability or potential that ministry might have to give the kind of leadership that we came to expect and enjoy in the 1970s, 1980s and into the mid-1990s.

They have reduced the involvement of the Ministry of Natural Resources in northern Ontario so that it's not there any more to work with not only the natural resources industries, but the added-value companies that set up shop in the north over a period of time, so that a whole lot of them now are either struggling, in trouble or looking at moving on. I think we only have to look right now at this very point in time at what's happening in Sturgeon Falls and what's happening up in Kirkland Lake to understand what I'm talking about here.

They did away with the Northern Ontario Development Corp, a lending institution in the north that was close to the ground, knew the players in the communities of northern Ontario and could sit down with people and say, "OK, what makes sense here?" I have to tell you, the banks have choked off the north for quite some time now. They don't see it as a good place to put their money. They will invest some limited amounts but not the kind of money that we need to really fire up the economy and keep it going.

So the government, in its wisdom, put in place the Northern Ontario Development Corp, that was sort of the banking institution of last resort. You could sit down with those folks because you shopped with them on the weekend at the corner store or you met them in the mall or you went to church with them on Sunday and said, "Listen, I've got a really good idea here of how we might expand or change my business to take advantage of some new things that are coming," or "I know of a new opportunity over there that, if we only had a bit of money to invest in, would create some economic activity and develop some jobs for some people." And they would sit down with you and say, "OK, well, let's work on that," and they would help you through the good times and the bad times, cut you some slack on some of your loan commitment when you needed it and then go back to you when you were doing well to make up for that in the

good times. So there was a good relationship, there was good communication, there was good leadership and there was good resource there. But that's gone now. They've done away with that. It's a vehicle that no longer exists in northern Ontario to help the northern Ontario economy, and I suggest to you that's why we've experienced over the last seven or eight years in the north, contrary to what's been happening in some of the bigger urban centres, this very significant and important recession that has gone on.

The northern Ontario heritage fund is another fund that was set up to work with communities, non-profit and profit organizations in the north to help in times of difficulty, to take advantage of new opportunities that might present, to bring partnerships together, to work in a million different ways creatively to try to stabilize and create some confidence in the northern economy, to work with big tourist attraction destination opportunities, like Searchmont and Mount Antoine. Alas, Mount Antoine no longer exists in the north. You can advertise and market as much as you want to people to come to an area for tourism, but if you're not supporting and keeping healthy those things that people will do and come to see, then you ask yourself, "Why bother?" because they'll come and they'll be disappointed and they'll go home again.

We almost lost Searchmont, but through the efforts of myself and municipal council and some other volunteer interests in Sault Ste Marie, we were able to keep that enterprise alive long enough such that now a very exciting and new entrepreneur has come in from Chicago and bought it and has hired very, very good staff and a new manager to run the place and we're looking forward to a very exciting winter this year. But no thanks to this government; no thanks to any leadership or resource from this government. If it was up to this government, it wouldn't be running; it would be out of business. There would be no ski hill. That's the kind of thing I think we have to take a serious look at. I think this government has reneged on its responsibility, has not been accountable or done the right thing on behalf of the people it was elected to serve.

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I suggest to you that if the recession that is happening in the north isn't nipped in the bud, if there isn't some leadership given or some turn of events—maybe a new government that all of a sudden finds they have interest in the north to go up there and invest some resources, bring back some of those vehicles and work with the north again—the sickness that has taken hold out there will work its way into the heart and core of the province.

We know this province has, for a long time, grown its economy and enjoyed a good economy because we had those resources; because we had people who were willing to work in northern Ontario and harvest, manage and be good stewards of those resources. If we turn our backs on that, I believe we do everybody a disservice in this province and we diminish our capacity to be a world player in the economy that now has become global out there.

Any of the trade agreements you've seen happen, however supportive or not of them any of us have been in this place, indicate very clearly what other people see and want out of this part of the continent. They're our resources. We have to find ways to manage them that are sustainable, understand the interaction between the various sectors of our ecosystem, add value and provide opportunity for all of us, whether it's in northern or southern Ontario, to have jobs that speak of an ability to look after ourselves and our families, that speak of quality of life, dignity and all of those things.

It's when we do that, when we see the community of Ontario in its fullness and we recognize the contribution government can make to be sure all parts of the province are clicking on all cylinders, that we will then have the money required to make sure institutions that will be so important in all of that as well—the underpinning to all of that, such as education, health care, social services, hydroelectricity, as we've seen debated here in the House over the last few weeks—and most importantly, because I believe it's the heart and soul of any good and civil community, we will have an ability to look after those amongst us who are vulnerable and at risk. Government has no more fundamental responsibility than that. There is absolutely nothing here in this bill that we debate tonight by way of time allocation that speaks to any of that whatsoever.

Mr Ted Chudleigh (Halton): I rise to speak today on the merits of this bill, and to express some concern and sadness at the need to time-allocate it. This is a significant bill. It affects a number of different acts, I think 27, by someone's comment across the floor. It would be very nice if we had seven, eight or nine days to debate this bill. That could have been done. It could have easily been done.

You know, we had bills like Bill 148, an emergency preparedness act, something that we all agreed to and easily could have made comment on, spoken on and passed in one day. We could have sent it to a committee, taken it around the province and talked to it in committee. We could have done lots of things, but it only required one day of House time. That would have left three days on that bill that could have been applied to Bill 198 very easily.

Again, there was Bill 149, the extended red light camera pilot project bill, a bill to extend the testing process for red lights. Again, that act is going to take four days: three days of debate and one day of time allocation. It's something that everybody in this House is going to vote in favour of; in fact, when it comes up for a vote, probably there will not be a division on it. It will just be a voice vote. It will be passed. So on 149 there are four days, three extra days that we could have used for debating significant pieces of legislation like Bill 198 that we're time-allocating today.

It could have been used to debate Bill 180, which is the consumers' act, another fairly significant piece of legislation.

There is Bill 131, the Interjurisdictional Support Orders Act, a very simple piece of legislation. Again, it could have been discussed for a day. It could have had a number of days of committee time. But no; it was chewed up in the House and it was used for three days of debate, and again it will need a day of time allocation before it receives second reading.

Finally, there was Bill 191, An Act to amend the Highway Traffic Act; again, a bill that we all agree to and that we could have done in one day. We could have had a number of days in committee to discuss it, to see whether or not it could have been made a better bill. But no. Again, it requires four days of House because there is no co-operation whatsoever from the opposition on any of these bills.

That's too bad, because bills like 198 could have used that extra time.

Mr Dominic Agostino (Hamilton East): We'll try to be more co-operative from now on.

Mr Chudleigh: Of course, the member from Brampton or Hamilton Mountain or someplace out there is yapping away. He thinks they're doing exactly the right thing by obstructing the House in moving this thing through.

Mr Agostino: Hamilton East.

Mr Chudleigh: Hamilton East; I'm sorry. However, it's a sad day, I think, when the co-operation in this House doesn't allow for debate on significant pieces of legislation as opposed to wasting the time of this House on the four bills I have mentioned that could have easily been passed in one day as opposed to taking three days and an extra day for time allocation.

This proposed legislation on which we are considering time allocation today has a large part of it that will provide consumer protection, and it involves measures that will benefit every investor and every taxpayer in the province. Our government remains committed to putting sound policies in place that ensure the protection of consumers in Ontario.

Mr George Smitherman (Toronto Centre-Rosedale): Talk about the pensions.

Mr Chudleigh: I will talk about pensioners a little later in my speech.

This fall, we are continuing to move forward with important measures to protect consumers, particularly consumers who are investing in stocks and bonds in Ontario: measures to promote public confidence and to protect the province's auto insurance system as well as measures that will address the pension funds and pension fund surpluses in Ontario. I want to take a few minutes to talk to each of these measures in more detail, starting with those measures that will protect Ontario's investors.

While Ontario has sound fundamentals in place, there is apprehension out there. Events like September 11 last year and, more recently, accounting scandals in the US are taking a toll on investor confidence. People have real concerns about the future, about the state of the economy, about their retirement savings plans and money, and in many cases about their jobs in the future. We recognize

those concerns and we are acting to waylay as many of those fears as it is possible to do.

In order to have a strong economy that can produce growth and prosperity, we need strong capital markets. Strong capital markets need investors who have sound information so that they can make informed investment decisions. The markets are just about to close, but a lot of those people are making sound investment decisions today, as the markets have some very, very solid gains. I understand that over 1.2 billion shares traded today on the New York Stock Exchange. That's getting very close to a record, and the exchange is up significantly. I think that's good news for North America. To put in perspective 1.2 billion shares traded in a day, on Black Monday in October 1929, I believe there were 29 million shares traded. So it's a far broader cross-section in today's economy that are trading in shares in our society, and it's incumbent on any government that has the responsibility to ensure that people who are trading in those markets have confidence that those markets are being run properly and openly and in ways that people can understand.

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Investors put their trust in markets where ethical corporate governance is the rule, not the exception, and where there are meaningful penalties for those who violate security laws. We are moving forward with measures that address these issues. Our measures recognize that Ontario investors already have certain advantages because of our regulatory environment. Other stock markets don't have the same kind of regulatory environment that the Toronto Stock Exchange has, and that's a very powerful thing for a province to have—a stock market that we look out for, that we're responsible for and that has the confidence of consumers to invest in.

For example, our public companies are required to tell their investors right away about material changes in their affairs. But just because we have not had an Enron happen here doesn't mean we should pat ourselves on the back and relax. That's what this piece of legislation is all about. There is more to do. When the people of Ontario put their hard-earned money into a mutual fund or stock, they're going to build a better future for their families. They need to know that the government has set and will enforce high standards so that we can make informed choices and invest with that confidence we all need. They need to know that they can trust that corporations and government will ensure transparency and accountability. "Transparency" and "accountability" are two very important words.

Recently, we introduced measures to ensure the system is fair and more transparent. If this bill is passed, our measures will include new powers for the Ontario Securities Commission to impose fines for security violations and order that offenders give up the profits they attained from those violations. So not only are we going to increase the fines up into the millions of dollars, but we're also going to force those people to give up the ill-gotten profits that they made through those transactions.

Increased court fines and prison terms for security offences will make Ontario's system the toughest in Canada. Maximum court fines would increase to \$5 million from \$1 million currently. Maximum prison terms would go up to five years less a day from the current two years, where it is today. We will provide clearer definitions of offences such as securities fraud and market manipulation and making false and misleading statements. We will also be introducing broader rights for investors to sue if companies make misleading or false statements or fail to give full and timely information. The Ontario Securities Commission will also get new rule-making powers to hold CEOs and their chief financial officers accountable for the accuracy of their financial statements and to mandate the functions and responsibilities of audited committees of public companies.

We're also proposing reforms to Ontario's public accounting regulation to ensure tough standards that are internationally respected and reflect the high expectation of the business community, investors and our trading partners. This is an ongoing process. Our commitment is to implement a made-in-Ontario solution that works best for our province.

Another commitment announced by our government in the 2002 Ontario budget to protect consumers is the effort to improve the automobile insurance system. Throughout North America, and indeed throughout the world, for that matter, insurance premiums are rising due to factors such as rising health care costs. Since our election in 1995, we have moved forward with important reforms to improve the automobile insurance industry. Numerous consultations have been held with health care professionals, the auto insurance industry, lawyers, designated assessment centres etc. These consultations have gone well and were completed in October 2002, although we continue to meet with individuals in this area. In fact, I met yesterday with a few of those individuals.

We're now ready to implement reforms based on input from both consumers and the automobile insurance industry. With the measures included in Bill 198, we are now implementing an action plan that focuses on three key areas: first, more support for innocent victims in automobile accidents—we will improve the delivery of treatment and people's rights to sue for those benefits; second, consumer protection—we want to ensure that consumers get credible information and their interests are protected; third, keeping the industry competitive—we are taking steps to ensure the industry is competitive so that consumers have real choices available to them when they opt for automobile insurance.

I'm sure you all agree that these are important objectives. We have received sound advice and we must move forward with measures to keep insurance premiums competitive while providing support for consumers.

The measures we proposed and which must be approved by this Legislature will include measures to expand the rights of injured people to sue at-fault drivers for health care expenses in excess of no-fault insurance benefits. This might apply to people who have unfor-

tunately lost a leg or an arm, particularly if they're of a young age. Quite often when they're of a young age and they grow rapidly, the prosthesis they get, the false leg they get, doesn't fit for a long period time. These are very expensive appendages and when they have to be replaced, quite often they run through their insurance money very quickly.

This legislation will allow them to sue so that they can obtain those kinds of things they need for the rest of their life, as opposed to just a few short years after the tragic accident.

It will also improve service to accident victims by ensuring speedier access to medical treatment through the introduction of treatment guidelines in the regulation for specific injuries without the need for prior approval. Quite often, when soft-tissue injuries occur, people need to have that treatment start very soon, as it cuts down on the time that treatments will have to continue to be applied.

There will be other steps as well, including measures to increase consumer awareness by requiring insurance agents to disclose which companies they represent. This matches the current requirement for insurance brokers.

We're also moving forward with measures to ensure the auto industry remains competitive by controlling costs through the elimination of double-dipping. Double-dipping happens when injured victims who win court awards for loss of income also receive money from other sources for that same disability. Situations like this add costs to the system for everyone who pays premiums or taxes.

Our aim is to further protect the consumer. We are presenting a balanced package of reforms that address many of the concerns we heard throughout our consultations.

Another issue we are addressing right now to further protect consumers is pension surplus reforms. The pension community of pension administrators, plan members, pensioners and employers has expressed concern about the lack of certainty in the rules governing the distribution of surpluses.

They were reacting to recent court cases that questioned the effectiveness of the current surplus distribution system and have made it difficult for many employers to negotiate surplus sharing agreements with their employee members and pensioners, and also the legal uncertainty regarding the rule governing partial pension plan windups pending resolution of the Monsanto case. We are moving to protect the pension benefits of all current and former employees by protecting the long-term viability of pension plans and their surpluses.

Nothing in this legislation affects the earned benefits of pension plan members or retirees. The purpose of this legislation is to provide more flexibility on how employees, employers and plan members negotiate surplus sharing agreements, which have been severely restricted by recent court cases.

On partial windups, the purpose of the legislation is to provide clarity. Until 1998, when the Monsanto case

started, employers were not required to pay out surplus on a partial plan windup. The amendments will restore the law to what was understood prior to 1998 and clarify the continuing rights of members affected by partial plan windups.

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In most cases of surplus withdrawals, surplus will be shared by employers, plan members and pensioners. That sharing agreement will be voted on by the current retirees, of whom you need a two-thirds majority to accept the plan. It will be voted on by the current employees of the company, and you'll need a two-thirds majority of those people before you could agree to a plan. When two thirds of the employees and two thirds of the retired people agree to the process of a surplus windup, I've got to believe that the system isn't going to be hurting them very much. I think they're going to benefit from it, because no one would vote in favour of it if they weren't going to be benefiting from it.

In limited cases, employees will be allowed to make application for all the surplus when their employer is clearly entitled to the surplus based on existing plan agreements and other documents. The amendments add the right to employees to make similar applications for a full plan windup.

A consultation paper was released on June 18, 2001. Almost 80 submissions were received from unions, members, pensioners, employers, lawyers and actuaries. The submissions served as the basis for discussion in August 2002. Representative stakeholders such as pensioners, plan members and employers participated in the informal discussions we announced in the budget last spring. They expressed positive feedback on the modified proposals. Reforms to the Pension Benefits Act will remove uncertainty and clarify the rules that apply, enhancing security for remaining plan members. They will make Ontario law consistent with that of many of the other provinces.

I urge all members of this House to support Bill 198. It is our made-in-Ontario approach to protecting the people who live, work and raise their families in this great province. Bill 198 represents our commitment to those who have invested their future in our province to protect investors, to protect automobile owners and to protect pension plan contributors and retirees.

The Acting Speaker: The floor is now open for further debate.

Interjections.

Mr Smitherman: It's from Jim Flaherty.

I want to start by saying, especially to people who are watching from home, if only it were so. If only it were so that the laudatory things the previous member said about the pension stuff in particular were accurate, that would be great. But it isn't.

Today in the Legislature we did a fairly effective job of highlighting the extent to which an admittedly complex subject is just a little too complex for our Minister of Finance.

Mr Chudleigh: On a point of order, Mr Speaker: The member said I wasn't accurate in my remarks, and he accused me of reading my speech—I was very careful. It's interesting that when you're on this side of the House, you have the responsibility to be accurate; therefore, you have to refer to notes. When you're in opposition, you don't have that same responsibility. I take exception to the fact that he referred to me as being inaccurate.

Interjections.

The Acting Speaker: Order. Your own member made a point of order. I'd like to rule on it.

I gave him a little latitude to make his point, because actually I think it was a point of personal privilege as opposed to a point of order. I don't think it's one I can uphold to the point where I will order the member who has the floor to do anything, but I wanted to give you a chance to make that point, and I've done that. Now I'm going to ask the government benches to please come to order and allow the member to resume his debate.

You now have the floor, sir.

Mr Smitherman: I'll withdraw, because I could have chosen a better word. My point was that a debate on this matter is interpretive, and his interpretation doesn't jibe with mine. I hope that's clear.

In the scrums that occurred—

Interjection.

Mr Smitherman: Well, nothing could be clear to the member for London, because he doesn't get much around here.

After question period, the Minister of Finance snuck outside the door and admitted in the scum that she found the whole matter confusing. I think that was an honest statement. But I wonder, in the instance where a piece of legislation—this is not some modest little piece of legislation. This is 146 pages, dealing with I think 25 different statutes. This could be 10 pieces of significant legislation.

I found it a little bit astonishing that the previous speaker used most of his time to comment on the fact that it sure was sad, disappointing really, that we couldn't just all get along a little better and move forward in a way that would allow us to have more time to debate this bill.

I have seen some pretty lame excuses for the need to push a piece of legislation forward, but the real truth of the matter is that the members on that side of the House, and the government in particular, feel the need to seize the moment by using closure to ram through this bill because there is a storm brewing in Ontario, and the storm that's brewing in Ontario is from the hundreds of thousands of pensioners who are having their future pensions put at risk.

The minister did a job today to underscore that her bottom line was the viability of pensions; meaning that any money that was to be paid out would be paid out when the requirement was there. Of course we all agree; that's apple pie. But the issue she doesn't want to discuss, that none of them on that side of the House wants to

discuss, is that employees, not just employers, make significant contributions to surpluses.

We had a case today with National Trust. We had a guy here today who is the chair of an organization called AFTER, which is something like between 3,600 and 4,000 former employees of National Trust who no longer work there, so they're part of a partial windup of a pension. That pension plan at the moment has a surplus of \$160 million. But here's an interesting fact: the company, National Trust, now owned by Scotiabank, or the Bank of Nova Scotia, has not contributed to the pension plan in almost 20 years.

When I heard that, to me, that was a pretty startling thing. The piece of legislation that this government is jamming through the House—unprecedented, I think for a budget bill—builds on the premise that all surpluses are employer surpluses, that they're the creators of those things. And the bill does some other pretty sad stuff too.

I am joined here today by the member from York Centre, who in 1988 served as the Minister of Financial Institutions in this province. At that time, as some people would be aware, Conrad Black, a noted supporter of that party, tried to rob about 40 million bucks out of a pension plan at Dominion. There are people out there who look for opportunities to buy companies for the asset base, which is the pension plan, and Conrad Black is that kind of rapacious character who wouldn't let the circumstances of a few people get in his way. The government acted in such a way so as to ensure that in the future that wouldn't happen.

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What we have before us is a piece of legislation that makes Ontario the only jurisdiction in North America that encourages or allows a company to stake a claim on a surplus in an ongoing pension fund. That's not for a company that's gone bankrupt or where employees have been laid off; that's an ongoing pension fund. If the pension funds of our hydro companies, the various successor corporations of the old Ontario Hydro, are in surplus, the government can now make application to the superintendent to scoop that money—the only jurisdiction in North America that allows that. How can the government rationalize this while in the next breath they say, "Our responsibilities are being fulfilled because we're working hard to restore investor confidence"? How can you be restoring investor confidence when you're sending out a legislative incentive or inducement to corporations, when they have in their hot little hand an actuarial study—and that's no fine science—that says, "This pension fund is in surplus." We now have corporate raiders who will be lined up at the gates of the superintendent of financial institutions seeking to take the surplus off the top.

This happens in the same paragraph where they talk about the volatility of the markets in the post-Enron environment, where we're seeing these massive ups and even more massive downs on certain stocks which have impacted the investment income of pension funds. So at the very same time that we're dealing with that, the government is sending an incentive to corporations to

take this money away from those who contributed to it. I think that's reprehensible, the reason that we're forced to be here today instead of continuing to hear from more members about this issue, instead dealing with a time allocation motion, closure, a device by the way that in the Peterson and Rae governments was used sparingly and is second nature for these guys.

They talk about how hard they work and stuff, but you know, if the choice were ever put to the opposition parties, "Would you prefer to sit a little more and have an opportunity for meaningful public participation and debate?" on matters as significant as this one that deals with pensions, on the Ontario Securities Commission, auto insurance, all kinds—oh, and of course the government's backtracking on its tax cuts, which they don't want to mention—but instead we're forced to have reduced to just a few hours, something like six hours of debate in the Ontario Legislature on the government's budget bill, which amends 25 statutes in a very significant way. This is astonishing.

It shouldn't surprise us, though, because the pension portion of this bill demonstrates the extent to which these guys—the ultimate power, using their majority to hammer home because government bills are perfect bills—in their legislation have moved forward in a way so as to say to pensioners and to employee groups, "You can't go to the courts any more. We rescinded that right." Today they heckled in the Legislature and they said, "Well, this is all about the amount of money that lawyers spend, blah, blah, blah." Do you know what? I know a lot of people who spend money on lawyers in search of justice, but these guys have eliminated that path because it's not expedient enough for them.

I got a letter faxed to me the other day from CARP, Canada's association for the fifty-plus, an open letter to the Ontario government:

"Re: Bill 198—A Licence to Steal" Strong language.

"The Ontario government's Bill 198 gives corporations a licence to steal from pensioners.... Buried in this omnibus bill is the right for corporations to take over the full surplus of partially wound up pension plans," and, unfortunately, of ongoing pension plans as well, to make it even more problematic.

This is a clause under the heading "Conflict" that I want to read into the record. I call this the Ecker hammer; she brings that down with quite considerable force: "Subsection (5) prevails over the pension plan, over the terms of any document governing the pension fund and over any statute or other rule of law." It is that the government reserves for itself and the cabinet in the making of regulations to determine exactly what happens in these instances; no more transparency and no avenues in the courts to seek justice where you feel that you have not been given a just decision. If this bill passes, I hope that some of the groups that are affected by this will challenge the constitutionality of this in the courts. They won't like it over there because that's the courts, and lawyers cost money and all that, but in search of justice, it's an appropriate way to go forward.

The minister today spent an awful lot of time hiding behind this document, Surplus Distribution from Defined Benefit Pension Plans, a consultation paper. She talked about that consultation paper. She must have mentioned it 15 times. Then in the scrum she mentioned it about 15 more times. She didn't tell you one thing, though. She didn't tell you that the consultation paper didn't include any suggestion, reference, hint, glimpse whatsoever of the true intentions of the government's bill—not one mention of retroactivity that says, "We're going back to 1988—the ghost of Conrad Black." No mention that regulations passed in the secrecy of cabinet can overrule documents, statutes, or rule of law. That's not in this discussion paper, nor is there any mention of removing the right of appeal to the courts. That's not in this discussion paper.

Then she said, "We had more than 80 different people present to us," but when the man who represents 4,000 impacted former employees of National Trust sought to have a minute of her time, she high-tailed it. She got out of there. I didn't know she could move so fast. She wanted nothing to do with that gentleman; suggested that maybe she could arrange a meeting a little bit later. Well, this afternoon the House is given the last few minutes, the last few precious minutes of opportunity to highlight just how awful this bill is. She'll meet with him after she has passed the legislation that takes away his rights. She'll meet with him after. After what, I wonder?

We talk a lot about Conrad Black. I, for one, celebrate the fact that he has found a place where he's more content, but I never thought that after the public outcry in 1988 when this man sought to grab surplus pension funds, the government of today would decide that now is the right time to bring in the Conrad Black clause, an incentive to rob the surplus pension funds from ongoing pensions.

On that note, I will sit down and I will say only that when I vote against this time allocation measure, this closure measure, and when I vote against this bill, it will come to pass as one of the most memorable things that's happened to me in my three and a half years here. This is a bad bill. It hasn't had proper input. The government's manner in dealing with this is a real example to Ontarians of the way that they operate, fundamentally undemocratic and arrogant to such an extraordinary fault that I look forward to the day when we can restore in this chamber, and to democracy in Ontario, meaningful debate and public hearings which they are afraid to have.

Mr Gilles Bisson (Timmins-James Bay): I want to use the opportunity to put on the record a couple of issues that my colleague just before Mr Smitherman raised. I think what to me is one of the biggest issues in this bill is what this government is doing by way of trying to give employers a gift. That gift is that they are going to be able to take pension holidays and they are going to be able to take surpluses out of pension plans unilaterally, without the approval of people who have worked hard in order to earn the contributions of those plans.

1620

Tonight I was supposed to be in Kapuskasing. I was going to attend a event that's in my riding, an event that happens all over Ontario, where workers get together in order to celebrate the successes of their endeavours in the plant when it comes to health and safety measures. Today we were going to be giving an award, as we did last night in Timmins. Tonight in Kapuskasing some lucky worker was going to get an award and I was going to be there to present.

Unfortunately, I am not there tonight, and the reason I'm not there is very simple: I think this debate is far too important to allow to go by—when a government has come in, by way of closure—the stripping of people's pension plans. So no, I won't be in Kapuskasing tonight, but I'm going to be here this afternoon. Why? Because what this government is attempting to do, by and large, I think, is tantamount to basically the bad old days of Conrad Black. We got into this situation why? Because Conrad Black, back in 1988, said, "I'm going to go in and I'm going to strip those pension surpluses out of the pension of the Dominion store employees." As a result, workers who had worked hard and long for that employer in order to build up some pension protection were stripped away of some of their pension protection because Conrad Black said, "I want to go in and take the surplus out of the pension plan."

Let's explain to people in this assembly, if they don't know exactly what we're talking about: employees in this province, for a number of years, have negotiated with their employers the ability to have a pension plan in their workplace. Now, it is the view of the New Democratic Party of Ontario that if it's the employer that pays 100% of the contributions in the pension plan, or they only pay 50% of the contributions in the pension plan, that is money that does not belong to employers. It's money that belongs to employees. Why? Because, quite simply put, those negotiated dollars in the pension plan are dollars that are basically in lieu of wages they would have gotten in negotiations.

I sat with the United Steelworkers of America at a number of bargaining tables, and we always got into this debate. We said, "OK, the employer, we figure, is probably good, for a period of two years, for an increase of maybe 3% one year and 2% the next." And we would go to our bargaining units and we would say, "Hey, rather than going 3 and 2, why don't we go 2 and 2 and use that 1% in order to build a better pension plan?"

So we would negotiate, yes, the contributions for the employer into the pension plan, and as a result we built better pensions for workers across the province of Ontario. And whenever we had surpluses in the pension plan, such as what happened with Inco in Sudbury, the union, in my case the United Steelworkers—of which I'm proud to say I'm a member—would go to the bargaining table and try to negotiate a better pension arrangement for workers by way of the surplus inside the pension plan.

Unfortunately, in the case of Sudbury, it took almost a 10-month strike, as you well remember, in the 1970s, for workers in the Inco plant in Sudbury to negotiate what to do with those pension surpluses and how to add more money from the employer into the pension plan, because they knew, as Steelworkers, that the mine was downsizing and that we had to protect older workers and new workers coming in so that the work cycle could be short and we could protect more displaced workers by way of putting them on a pension plan. Because we had surpluses in that pension plan, those workers in Inco, as in other plants around the province, were able to negotiate for themselves a better pension.

What happened since the 1970s is, employers would, from time to time—those unscrupulous employers—go in and they would scoop out of the pension plan any surpluses that existed, or they would take a pension contribution holiday. We thought that was wrong. I give credit to the Peterson Liberals; they moved an amendment that made some changes in the pension regime that stopped the Conrad Black filtering of pensions. When we were elected under Bob Rae's government, through the NDP, we strengthened those provisions that were put in place by the Peterson Liberals and we made a very simple rule. We said, "If there are any surpluses in a plan, what the provision will be is that an employer can only apply to make a withdrawal of that pension surplus with the approval of plan members." That's what we put in place, and as a result there hasn't been any major raiding, or any raiding for that matter, of pensions in the province of Ontario since the Peterson amendment and the amendment by the Rae government.

This government comes to the House and says, "We need to, by way of Bill 198, make amendments in order to 'strengthen' pension plans for the workers of Ontario." Well, I ask a very simple question: if we haven't had a problem since 1988 or 1991, since the amendments of both the Peterson and the Rae governments, and we haven't had pilfering of pension plans by employers by way of making applications because they needed the support of plan members, because of our amendments, why in heck is the government doing this? If there isn't a problem, why are we trying to fix it? We have to ask ourselves that very simple question, and the answer to that is a very simple one. Number one: we know, as far back as a year ago—because we were lobbied by people in the pension industry—rumours were that there were people in the employer sector who were saying—what they wanted, the employers who approached Flaherty, then Minister of Finance, and said, "We want to change the scheme so that we can get our hands on pension surpluses," and they wanted the government not to renew the amendment that we had put in place when we were government, because every 10 years it comes again and they had to renew it. They were lobbying the government to stop the renewal. We did some lobbying, along with people in the pension industry. There was a leadership race going on, so the government smartly decided to renew it for one more year because they didn't want to

deal with this in the middle of their selecting a new leader.

So now here we are down the road—

Mr Chudleigh: On a point of order, Mr Speaker: Mr Smitherman, speaking earlier, was incorrect in his assertion that the Minister of Finance did not meet with representatives of National Trust. In fact, the minister did meet with them—

The Acting Speaker (Mr Spina): I'm sorry, that's not a point of order.

Mr Bisson: I want to thank you for that clarification, but it wasn't a point of order, as you well know.

We know that the government had been lobbied by employers in order to get rid of that. The government didn't do it at the time because they were in the middle of selecting a new leader and they didn't want to be embarrassed, so they put it off for one year. A very simple question that we ask ourselves is, "Why is the government doing this?" We think the answer is simple: they are doing this as a sop to employers in Ontario. What's clear is that at every opportunity this government had since 1995 to sock it to workers, they did. When it came to taking away the protection for workers from scabs, this government allowed scabs across picket lines. When the government made changes to the Employment Standards Act, they basically made changes that were negative to employees in the province of Ontario. When they, along with the Liberals, refused the ability for farm workers to organize under a union, they took away that right as well. This government, at every opportunity, when they've had a chance to sock it to employees, have done so.

Now we say, should we trust the government? I think the answer is, quite frankly, no; you should not trust the government.

If people are watching this debate tonight, I urge you to do one thing. We are now on time allocation today. It's Thursday. We've had a mere three days to debate this bill, and this government's going to give the employer the opportunity to strip surpluses from pension plans and to take pension contribution holidays by way of their own decision, by making application to the pension board. There's nothing the employees will be able to do about it. If there's a decision that affects employees negatively, we employees are going to lose the ability to even go to court.

So I'm saying to people watching today, pick up your phone today, on Friday and all of next week, contact all of your MPPs, especially if they're Conservatives, give them a call and tell them, "Gilles Bisson and the NDP and others in this Legislature are saying you are not to put your hands on the pension surpluses. We want you to pull out of Bill 198 the provisions that are inside."

If the government wants to get into the idea of building a better pension regime in the province of Ontario, we, the New Democratic Party, are prepared to do that, but not in the way that you're doing it here. We believe that pensions should be totally portable. We would propose that we vest employees on day one. In this new, modern economy that we have today, where nobody

works in one place long enough to build up 30 or 35 years of seniority with one employer, we should have totally portable pensions. You bring your pension with you, no matter where you work. It's our proposal that the minute you walk into the plant, there shall be automatic vesting. There should be indexing to pension plans legislated into the legislation, as was recommended back in the 1960s when we put in place pension legislation.

We believe that you should give employees the ability to control what happens on pension boards by giving them an equal number of seats on the pension boards themselves. We believe that you should create multiple employer plans, otherwise known as MEPs, so that small employers in the province could be encouraged to ensure that their employees have pension plans they can contribute to. We believe that now is the time to deal with how you build better pension legislation in this province.

So I'm saying, if the government wants to get into a debate about the pensions, we're prepared to do so. We have some very constructive ideas on how to build pensions for workers in the province of Ontario. But what is clear is, you must stop this attack on pension plans.

I know my good colleague Mr Kormos would like to say a few words on this as well, and I'll leave the rest of the time for him.

1630

The Acting Speaker (Mr David Christopherson): Further debate?

Mr Joseph Spina (Brampton Centre): I'm pleased to have this opportunity to say a few final words in favour of the time allocation for Bill 198, the Keeping the Promise for a Strong Economy Act. These are budget measures for 2002.

In reviewing this legislation, it became clear to me that this act is quite simply, we think, the best way to ensure the continued growth and prosperity of this province; and I'd like to take a few moments to explain that. It is an act with the potential to improve the lives of Ontarians in all income brackets, in all business sectors, in all regions of this province. We've already heard about some of the key initiatives included in this act, such as reducing the pressures on auto insurance rates for Ontario drivers; providing better, faster treatment for auto accident victims, including children; introducing tough new rules and penalties for malfeasance in our capital markets; providing some new financing tools for municipalities; and supporting increased investment and job creation. On top of these important initiatives, this act would help to ensure continued economic growth. As we well know, a strong and growing provincial government and economy is the key to our prosperity.

I'd like to start by talking about the current state of Ontario's economy. This economy is in much better shape than many would have predicted at this time last year, particularly in the wake of the September 11 attacks on North America. There remain some grounds for cautious optimism, however, over the next 12 months, but I think it's important that we continue to exercise

prudence and frugality, because we know all too well that challenges also lie ahead.

Our government's record of reducing taxes and red tape has contributed to an environment in which business has invested, spurring economic growth and creating jobs. Of course, we know that jobs are the big story. In July 2000, the government met the Common Sense Revolution's five-year goal of creating 725,000 new jobs. The government's Blueprint promised it would help fuel the creation of 825,000 more new jobs over five more years. Well, this government is keeping its promises: employment rose by 32,300 in September alone; October saw the creation of another 20,300 net new jobs in this province; and since reaching the first target in July 2000, Ontario has created another 283,000 net new jobs.

More significantly, earlier this month we were proud to announce that job creation in Ontario since 1995 has topped the one-million mark. Since our government's first throne speech in September 1995, our province has surpassed the one-million mark, with 1,008,000 net new jobs. Ontario employment has grown by 19.6% during that time period, compared with 13.9% for the rest of Canada and 7.8% in the United States. Approximately 80% of the one million net new jobs are full-time positions. You know the old saying, "This country, Canada, goes, as does Ontario." So not only has this job growth spurred our province, but in fact it has accounted for that significant amount of job growth in this country as a whole.

Job growth has been fastest for natural and applied science occupations. They've risen by 55% or 162,000 new jobs. Likewise, jobs in business, finance and administrative occupations have grown by more than 12%, and that translates into about 123,000 new jobs.

The best news is that new jobs have not been limited to one or two sectors. Over the past seven years, job creation has been spread across most industries in Ontario. Employment in the construction industry alone has increased by 32%. Employment in the manufacturing sector has increased by 30%. Jobs in the professional, scientific and management service industries have grown by over 40%.

The demographics of job growth are equally impressive. Since 1995, women have gained 508,000 new jobs, or 51.4% of all job gains, while men have gained 479,700 of those new jobs, or 48.6%. Ontario's spectacular record of job growth since the September 1995 throne speech includes 144,400 net new jobs for young people aged 15 to 24. That makes up 15% of all jobs created in this province alone. Youth employment gains in this province have accounted also for an impressive 45% of the youth job growth in Canada. This is very significant, considering Ontario accounts for a 38% share of Canada's youth population.

Ontario's one million net new jobs account for 46.5% of the national job gain since 1995. As I said, that has driven the Canadian economy, because that is almost half the new jobs in this entire country.

Those are absolutely impressive numbers. They represent more than jobs, however. They represent new hope and new opportunities for many people. They represent growth, both personal growth for individuals who are employed and growth for those individuals' families. They represent prosperity, so that people can take a better vacation—a vacation in some cases—or even have a much happier Christmas holiday.

It's clearer now than ever before that our government has put sound fundamentals in place in Ontario and positioned our province well for the future. At the same time, we are aware that economic prosperity cannot and must not be taken for granted. Our families and our communities understand the importance of having a job.

Our government understands the importance of a strong, resilient and dynamic economy, one that can remain competitive in a changing global economy. I think we've demonstrated a very important point over this past year. We were able to create a very strong and stable economy from 1995 through 1999-2000 and into this new millennium, but when September 11 hit in 2001, it presented this province, this country and North America with a significant challenge, in fact a global economic slowdown.

This province's economy is open and trade-oriented, and therefore we were affected by the international slowdown. For the 2001 calendar year, Ontario's real GDP—gross domestic product—rose 1.5%, down from 4.6% growth in 2000. But it's important that when we are faced with a challenging year, the government continues to focus on prudent fiscal management to promote new growth and new jobs. If we did not have the stable fundamental structure that had been implemented from 1995 on through the five or six years afterwards, we would not have been able to withstand the downturn and the slowdown that occurred in the past 12 months. We would have had what some economic jurisdictions experienced, and that was net negative growth. We did not experience negative growth. Granted, we dropped from 4.6% growth to 1.5%. That clearly was less than half of what we had wanted and projected, notwithstanding the fact we could not predict an event such as happened last year.

1640

Despite being a challenging year, this government continues to focus on this prudent fiscal management. Our government continues to focus on measures to ensure that this province can weather other challenges ahead of us. While global economic forces will always have some effect on the provincial economy, our government will continue to ensure that sound fundamentals are in place to promote growth and prosperity.

I remind the public that if the government should change in the next election, we run the risk of jeopardizing this strong economic base. You run the risk of destroying the context for the measures that we have in this bill we are debating and that we have created over the past seven years.

We have sound reason to believe that the fundamentals there were put into place by this government. They are supported by the measures contained in this proposed Keeping the Promise for a Strong Economy Act.

One of the measures included in this act is the proposal to delay certain tax cuts for a year. As you know, this proposal was first announced in the 2002 Ontario budget. Since that time we've heard a lot said, particularly by the member from Windsor—

Mr Dwight Duncan (Windsor-St Clair): West.

Mr Spina: Windsor West. I wasn't sure because Windsor is one of those upside down municipalities. In every other place in this province the river is always south of the town, and Windsor is the only place in Ontario where the river is north of the town. I remember that when I went to the University of Windsor, it took me a few months to get reoriented from Sault Ste Marie to Windsor because the river was on the wrong side of town, just like perhaps some of the members from there. But that's not a criticism; they're honourable members who represent the residents of Windsor.

Since that time we've heard a lot said, particularly by some of the members, like the member from Windsor West, about our government's supposed lack of commitment to reducing taxes. It's all hot air. We believe, we have believed and continue to believe in cutting taxes. Tax cuts have always been and always will be an integral part of our comprehensive economic policy, and that policy includes the elimination of red tape, deficit reduction on a continued basis, and greater efficiency in this government.

We have shown that our economic policy, including tax cuts, helps create jobs. Numerous studies from around the world have found that tax rates are one of the most important factors that determine economic growth and productivity.

People used to think it was only when government ploughed money into the economy in various ways that we ended up with economic growth and productivity. If the truth be known, when governments ploughed money into the economy, they had to get that money from somewhere, and where did they get it from? Increased taxes. Why should government just be a conduit to funnel money out of the pockets of the consumer and back into the pockets of business?

That's not what we believe in. We believe that the government should be the promoter of economic growth, and economic growth comes from the consumers themselves having fewer taxes and therefore greater discretionary money to be able to put it where they choose: in the bank, into a new snow blower, into a new lawn mower.

Mr Smitherman: Like user fees, Highway 407?

Mr Spina: When the member from Toronto-Centre Rosedale says user fees, I don't have a problem with that. Do you know why? If someone is a user of a service, they should pay for it. I don't agree that all the taxpayers should be subsidizing something an individual uses.

Mr Smitherman: Health services?

Mr Spina: You cannot touch health services, because health services are mandated under the Canada Health Act. You won't get user fees in health services. It has been and will continue to be funded by the provincial government.

Numerous studies from around the world, as I said, show that tax rates are one of the most important factors determining economic growth. Since 1995 our net exports have accounted for only 23% of the real GDP. The main source of growth, the other 77%, has been the domestic economy stimulated, in part, by tax cuts.

Tax cuts have boosted retail sales, increased new investments in auto plants and improved the housing market by increasing consumer confidence. Corporations are unwilling to invest in places where their workers and executives will face an exorbitant tax burden. This is unacceptable because investment is vital to creating new jobs.

We remain committed to reducing the tax burden on the people and the businesses of Ontario. That is why we are not cancelling the tax cuts, as some members from across the way have suggested. The delay proposed is in response to a temporary fiscal challenge resulting from last year's downturn. It's common sense: if you are involved in prudent fiscal management of the economy, then you must be able to make decisions to respond to the challenges that the economy presents to the government.

The delay that would be implemented by this bill affects only scheduled cuts to personal and corporate income taxes for a maximum of one year. The planned reductions to personal and corporate income taxes and the phase-in of the equity in education tax credit would recommence January 1, 2004, a tax credit that, by the way, I fully endorse, 120%. I know that's a little exaggeration, but I'm trying to drive the point home that I think the education tax credit is an excellent initiative on the part of this government.

By 2004, the additional 20% personal income tax cut committed from before will be delivered. Once fully in place, that marginal tax rate in Ontario would be the lowest among provinces for individuals who earn less than \$60,000 a year. What was considered at one time a high-income bracket at \$60,000, we know is no longer the case. People earning \$60,000 or less are considered barely middle class and in fact are probably at the lower end of the middle-class income earning schedule. When the majority of people are earning less than \$60,000, we know they are the ones who would maximize the benefit of a tax reduction, because what becomes a 20% or 30% tax break for a higher-income earner multiplies to the lower-income earner to a 30% or 40% tax reduction.

By 2006, the corporate income tax rate cuts will be fully implemented. As a result of these cuts, Ontario will have the lowest general combined corporate income tax rate of any province or US state.

Clearly, tax cuts continue to be on the province's agenda. The delay we propose is a short delay because of the short-term fiscal situation. Long-term goals remain the same. The pressure on the system is paramount in

health care and in education. That is why it is important to do the trade-off in the short term. Our long-term goal remains the same. The proposed one-year delay will not impair the Ontario tax cut plan. We continue to abide by the notion that cutting personal income and business taxes leads to significant long-term productivity and growth.

We pursue the development of a new multi-year tax reduction plan, which would include the next steps toward eliminating the capital tax and Ontario's income tax surtax. We're laying the groundwork for continued tax cuts for next year and beyond.

I would caution the public that a change of government will only result in an increase in your tax rate, because they have no other way of trying to figure out how to manage the economy but to raise taxes instead of utilizing good, prudent fiscal management of the existing dollars, ensuring that the taxpayers have the excess funds for their own personal use.

I will cede the rest of the time to my colleague when he gets his turn in rotation.

1650

Mr Duncan: In the short time I have allocated to me I want to address first of all the motion before us and the legislation that that motion affects. This is a time allocation motion on a budget bill that effects some 20 or so statutes. Significantly, this represents—let me see how many times this government has used time allocation—for the Ernie Eves government 19 bills before the House; 13 of them have had time allocation. The remaining six are still on the order paper. In fact, my colleague and friend the NDP House leader may know that we just had another time allocation motion given to us today, on Bill 191. I believe—am I right?—your party supports that bill—

Mr Peter Kormos (Niagara Centre): And we want some modest amendments.

Mr Duncan:—and our party supports the bill, and the government supports the bill. We'd like some modest hearings. I think this is the fifth or sixth time this government has used time allocation on a bill that all three parties support. It's crazy.

Now, on this bill there are significant differences of opinion. This government disagrees with itself. It's undoing its Taxpayer Protection Act. The member opposite talks a good game, but that was the centrepiece of the Harris government. The first time they get into a minor problem, they throw it out, just like they threw out their plans on hydro. Flip-flop; that's what it's all about. We have here in this House a government that can't manage its own agenda. How can they be counted on or trusted to manage the affairs of the province? We say they can't be.

They like to talk about tax cuts and how important they are. I listened to my colleague opposite talk about that, but he failed to remind the electors of this province that they are undoing their own legislation with this bill. What was the term they used? It's a short-term problem, a \$1.8-billion short-term problem. One of the things they are going to do to deal with this short-term problem is

sell off Hydro One to raise the cash to pay for that short-term problem—at fire sale prices, prices that this government, through its incompetence, forced. Whether you sell 1%, 49% or 100%, it's wrong to sell any of it. What you sell and when you sell it will not result in any benefit to the taxpayers, let alone electricity consumers in this province. It will simply fund your own mismanagement.

So, 19 bills, 13 time-allocated; four or five of them all three parties agreed to. They wouldn't have hearings, even on minor stuff. Of those time allocation motions prohibiting any debate at third reading—84% of them. The government House leader laughs. He has again today, just now, tabled time allocation on a bill that all three parties in this Legislature support. Why? They don't want hearings. They don't want any minor amendments. They don't want an opportunity to discuss it. We in this party have a number of members who will not have a chance to speak on the bill being closed on debate tonight. We're stopping debate.

It's a government that can't manage. It can't even manage its own House schedule. Even previous Conservative House leaders have not had to time-allocate bills where there is support from all three parties. Truly unbelievable.

I want to take the remaining time I have, however brief it is, to talk about why the government is time-allocating and about the part of Bill 198 that is most offensive, certainly to the official opposition and I know to the third party: the pension theft clauses in this bill. That's a good term, "pension theft," or the Conrad Black clause, section 79.1. Let me read it: "An employer or such other person as may be prescribed may apply under this section to the superintendent for the superintendent's consent to the payment of surplus to the employer or prescribed person out of a continuing pension plan or a pension plan being wound up in whole or in part."

That clause allows an employer to apply for a surplus without the consent of the employees or the pensioners in receipt of the pension. That represents, in our view, an opportunity for theft. That represents, in our view, this government abandoning working people in favour of their friends. What it means, make no mistake, is that employers can unilaterally access those funds in surplus in pension plans.

Today, as she has done over the last few days, the Minister of Finance disagreed with that. Fair enough; we all have differing points of view. We all have issues that should be debated. I challenge that minister and this government, if you disagree with this, send it to committee, call in experts, let us disagree, let us call our witnesses and put our cases. Did the government do that? No. Instead we are here tonight and in one hour's time the debate on this legislation will be terminated, cut off, closed, finished; no more debate, no more discussion. That is most unfortunate.

As I said, moments ago I was handed another time allocation motion that will likely be debated on Monday of next week, again on a bill that all three parties in the Legislature support. It's just absolutely crazy. We offered

and negotiated to try and get some hearings on this bill tonight, Bill 198. The government wanted some trade-offs. We were prepared to talk, but instead of bringing forward another motion that would have allowed even a day's hearings on Bill 198, the budget bill, to allow the government to call its expert witnesses on its legislation about pensions, we were given time allocation with no committee hearings and no third reading votes. In one hour's time, employers in this province will have the ability to unilaterally apply for the surplus funds in a pension that we believe at the very least belong equally to employees. That is just wrong.

1700

It's sad that we are again faced with a major piece of legislation that I think you could legitimately call an omnibus bill, because it affects major legislation across a number of ministries with significant public policy consequences that we have had virtually no opportunity to debate. We're managing an agenda with, I think, 19 pieces of legislation in total since September, many of them relatively easy pieces of legislation, and we're time-allocating everything. They're using time allocation not only to stifle debate in this House, but to prevent in-depth discussion in committee where witnesses from outside can be called, where individuals with an interest admittedly in some instances can have an opportunity to have their say.

Interjection.

Mr Duncan: Yes, as my colleague from Eglinton-Lawrence says, to shut out the public, to shut out those pensioners from London Life who have been e-mailing every one of us—I've had dozens from them—to shut out the folks who were here in the gallery earlier today that have not been heard in the government's alleged discussion process.

I'll remind you that the discussion process leading up to the introduction of a bill is far different from a committee hearing, where both the government and the opposition—and the public—can have an opportunity to look at specific wording around complicated legislation that has obvious consequence. Regardless of your opinion, whether you support what the government is doing or you oppose it, or you differ as to interpretation, we will not have the opportunity, we will not be afforded the right to seek counsel outside, which we regret and which I know that at the end of the day this government will regret.

Hon Mr Stockwell: You must regret this.

Mr Duncan: I don't regret the opportunity for you to run for mayor of Toronto or the Speaker to run for the mayor of Hamilton. I don't regret that at all. We'll see what happens with those amendments tonight. I have the utmost regard for those individuals personally and I wish them well in all their endeavours, but I do not wish this government well in its endeavour with the pension legislation—not of this magnitude, not of this import to working people throughout Ontario. So I say to my colleagues in the government, you are going to pay a heavy political price for this one.

You saw earlier today but an example of the anger that is percolating out there, and from a substantive perspective, if you had any respect for this Legislature, if you had any respect for this institution on a matter of such import, you would allow the opportunity to call witnesses; you would allow the opportunity to have your witnesses put your side and let ours put our side. And at the end of the day you vote. But no, you want to jam this through, you want to manage it; you don't want this to be discussed. Rest assured, this will be discussed. Rest assured that this issue will not die.

This issue has raised its head on a number of occasions over the years. In 1988, as my colleague from Wilson Heights, Mr Kwinter, pointed out, the existing provisions were passed by the Peterson government, provisions which in our view have served the province and both employers and employees reasonably well over that period of time. To tip the scales the way you have in this case is just wrong.

So we are faced again tonight with bill 14 out of 20 in terms of time allocation, many of which, like the one for which the new time allocation motion was put before me a few moments ago, have been supported by all three parties. It bespeaks volumes of this government's inability to manage something as simple as the House calendar. How it can possibly manage the affairs of the province? I say to the government, it is unfortunate that they've had so many bills because they've wreaked so much damage on so many aspects of this province. It is a shame, and perhaps had the government listened more carefully they wouldn't be undoing their own Taxpayer Protection Act tonight.

That's at the essence of this bill. My colleague the government House leader was eloquent in the leadership campaign when he spoke about not proceeding with tax cuts. He was eloquent.

Interjection.

Mr Duncan: Well, I guess that's a subjective comment, but I have to be nice to him. We pretend to negotiate things sometimes.

The fact is that this bill, in addition to the important and unfair thing it's doing to working people, is undoing the centrepiece of the government's own being, the Taxpayer Protection Act. My colleague from Durham, Mr Flaherty, must just be absolutely apoplectic about this bill. He's visibly upset about this bill. It's betrayed the very fundamentals which he admittedly has always steadfastly stood for. He's been consistent; he's been clear. Tony Clement, a member opposite with whom I differ dramatically on many issues, has been consistent over time. I remember in the leadership he was very concerned that any candidate for their party's leadership would advocate not proceeding with tax cuts. Well, here we have it, and it's in this bill. Yes, and he even promises cabinet posts to his friends throughout the province of Ontario, not that it'll do any of them any good at all.

On the serious matter before us, time allocation is used yet again by a government that has not been able to manage its meagre legislative agenda, on a substantive

issue that ought to have the benefit of hearings so that experts on both sides can be called, so that members can have an informed debate on the specifics contained in the bill. That's sad. That's wrong.

We will oppose this time allocation motion, as we've opposed every other one. I say to the government once again, stop ripping off pensioners. Stop using time allocation the way you've used it to force closure of debate to stop the democratic process in its tracks. Let's try to work together to make this institution function the way it's intended to.

Mr John O'Toole (Durham): It's my pleasure to rise today and respond to this motion before us on Bill 198. In many respects, I'm going to try and put some information on the record on this bill. For those listening, it's 146 pages. It really is a budget bill, with some other amendments, and of that it's half French, half English, so we know it's some 70 pages long in one language or the other.

I feel some responsibility to put on the record that as the former parliamentary assistant to the Minister of Finance, Mr Flaherty, I acted as the person who was charged with the consultation paper that has been referred to today. The paper is called Surplus Distribution from Defined Benefit Pension Plans, and it was issued on July 18, 2001. I think it's important to put some of this information on the record.

The information here is that it was introduced on December 21, 2000. The Minister of Finance announced that a consultation would take place with "stakeholders on possible amendments to the ... Pension Benefits Act (PBA) and regulation 909 under that act (the regulation). At the same time, cabinet extended section 8 of the regulation (the surplus regulation) under the PBA for a further year"—that's been mentioned as well—"to maintain the existing surplus withdrawal provisions until the consultation...."

"Recent court decisions have limited the ability of the pension regulator, the Financial Services Commission of Ontario (FSCO) (formerly the Pension Commission of Ontario or PCO) to approve surplus applications by members on windup where the surplus regulation has been satisfied by the agreement of two thirds" of the benefit plan holders. "The government does not believe that it is feasible or appropriate to continue to extend the existing regulation as has been done in the past."

It should be clear that the member from York Centre, who spoke earlier today, was part of that decision to fail to meet a decision and make a regulation that was clear in the eyes of the pension benefit entitlement people as well as the courts.

There's no doubt that this issue is controversial to the extent that—I think this clause may help people understand why it's an adversarial situation: "Entitlement to pension surplus has historically been a difficult and complex issue. Some suggest that, as employers generally bear the risk of defined benefit pension plans becoming underfunded and must make special payments in that event, they alone should be entitled to the benefit of any

surplus." The point being made here is that the employer ultimately underwrites the risk and so the employers feel they own any surplus in the event there is a surplus, because they own the liability. "Thus, it has been argued that plan members are entitled to receive only the benefits provided under" the defined benefit "plan documents." So that's the essence of why this is very adversarial.

"Others see contributions to pension plans as deferred compensation,"—this is the perspective of the employee—"paid as a consequence of actual or implied employment contract negotiations that would otherwise have been paid in another form." In other words, they've got it in their paycheque. "Pension funds are often seen by the courts as 'trusts' held solely for the benefit of plan members and former members rather than pre-funding mechanisms for benefit security, required by statute. Still others suggest that pension issues are much more complex than suggested by these positions, and surplus entitlement depends very much on the particular circumstances in each individual case." It's an actuarial nightmare.

1710

"Prior to the enactment of the surplus regulation, entitlement to pension surplus was determined mainly by the courts"—this is really what this legislation is trying to do: remove it from the courts, where everyone spends all the money on legal consultations and the recipients, the pension beneficiaries, are left holding their empty wallets—"in numerous high-profile, 'winner take all' legal actions." This has been the case. "Most of the affected parties found this process costly, lengthy and acrimonious. "In the 1990s"—as has been mentioned earlier—"subsequent to the enactment of the surplus regulation, negotiated surplus sharing agreements between employers, plan members and former members reduced disputes over surplus distribution. While some employers and employees disagreed with a number of specific details of the surplus distribution rules, there appears to have been general acceptance that negotiated surplus sharing agreements were an improvement over the previous regime." This government clearly tried to take steps to improve and clarify the existing infrastructure of this whole very complex area.

"Indeed, since the introduction of the surplus regulation, several other Canadian jurisdictions, including the federal government, have legislated surplus sharing" agreements "as an alternative to (or in place of) providing entitlements under pension plan documents. FSCO," the Financial Services Commission of Ontario, "has experienced a significant increase in the number of surplus applications compared to the period before the surplus regulation was enacted" by the Liberal government.

"However, the existing surplus distribution provisions lack clarity and are in some ways impractical. In addition, a lack of certainty with respect to surplus entitlement may encourage minimum funding by plan sponsors" so that they won't have a surplus. A number of plans today are in fact in arrears or deficit. "The govern-

ment proposes to amend the" Pension Benefits Act "so that surplus distribution can be carried out in a fair, equitable and predictable manner. The proposals in this discussion paper are designed to balance the interests of the affected parties and to address a number of concerns about the current surplus regime. They would amend the" Pension Benefits Act "with respect to winding up and continuing plans, in particular to provide legal certainty.

"The discussion set out in this paper provides a possible direction for reform. The government is interested in the views of all stakeholders and will carefully consider all submissions before deciding on a course of action. Several questions have been included to facilitate the consultation and to solicit submissions from interested stakeholders in the pension community."

This clearly is the preamble to the document that has been before the public, and I can assure you, as the parliamentary assistant at that time, that I did meet with many, many stakeholders. I want to put on the record that it has been stated in the past that no one met with the National Trust stakeholder group. This is simply not true. I met with Stuart Galbraith. I met with other members of a group which was referred to as AFTER, which is the Association for the Equitable Recovery of the National Trust pension plan. I also met with others, including the former professors' association at the University of Toronto, as well as the Society of Engineering Professionals, which represents many of the people working for OPG today.

I want to put on the record that I have met with a number of people in my riding on this issue, including Al Davidson, who is the Ontario Power Generation civil engineer and is a member of the Society of Engineering Professionals. I met with Earl Cooper. I've had correspondence from other people, as well as Tim Calhoun from the firefighters' association, Brian Gooder of the Society of Professional Engineers, Doug Cooper from National Trust, Ken Lavine, Robert Moreau from National Trust, Nancy Dares from National Trust, Ian Jones from the power workers, Carol and Calvin Yake, Stella Leclair, Robert Richard, and the list goes on. All I'm trying to set out here is that there has been access and indeed I did report to the minister with respect to our observations.

I believe it's important to also put on the record other background on this very, very important issue. Before I go any further into providing some of the document in the debate that was held, it's my understanding that our Minister of Finance, in her statement of today and indeed last week—that no employee or former employee should be disadvantaged by this legislation nor, for that matter, any employer. We will respect existing contracts. Indeed, this is a mechanism to make sure that surplus considerations, either by employer, employer groups or former employees, will be given every fair consideration. The different plans and contracts between employers and employees represent a very unique contract relationship between employer and employee. In many cases, if they're represented by a union, they clearly are always

trying to receive more entitlements; in fact, some would say earlier entitlements.

When introduced in 1991, the surplus regulation was intended as a temporary measure, as I said before. They also suggest that the surplus rules in the Pension Benefits Act were inconsistent. In my view, this is why we are still dealing with this today, ever since 1988.

The recent decision of the Ontario Divisional Court in *Kent et al v Tecsyn*, a decision released on May 26, 2000, concluded that employers may only withdraw surplus from pension plans in circumstances where both the withdrawal is expressly provided in the plan documents and the requisite consent of plan members and former members is obtained. This is a very important part of what's in this legislation. Since many plans do not contain text clearly entitling employers to withdraw surplus, the *Tecsyn* decision is likely to prevent both surplus withdrawals by employers and surplus-sharing arrangements, as we've seen in many sectors—in OMERS, the Ontario municipal employees retirement savings plan; HOOP, which is the hospital plan; as well as the other plans that have had what I consider contribution holidays. Contribution holidays really meant that the employer, whether it's public sector, and employee, which would be the employees of the public sector organization, were exempt from contribution. Meanwhile, they were drawing down on the attributed surplus, when it really could be argued that some part of it, at least, belonged to those who were retired or were referred to as the former employees of those organizations. They may not have been consulted in this arrangement where they've been exempt from a contribution plan.

Surplus distribution from continuing plans has always presented problems, given that surplus is notional until windup. That's when you get into the actuarial nightmare part of this, because you have to figure out the number of employees, their average age, where they were on the pay scale, what their percentage of contribution was, if there was a contribution—a very complex actuarial challenge.

I'm going to raise a couple of the questions that were in the discussion document which I believe are important. These proposals are available in this document. I'm clear that I'm still listening to the input on this. A couple of the questions that I think need to be before us on the record here: when a surplus is distributed to plan beneficiaries in the form of cash, should the Pension Benefits Act be amended to require employers to apportion surpluses amongst the beneficiaries in proportion to the liabilities associated with the beneficiaries? There are a number of questions that are raised in here, and these questions are substantively responded to in Bill 198, which we're discussing.

Bill 198, under part XXV—and it really starts on page 83 of the bill—deals with many sections and many variations on the theme. I was surprised earlier to hear one of the members from the other side whom I have some respect for, the member from Scarborough-Agincourt—add nothing to the debate, I think, clarifying this long-standing, complex arrangement of surpluses

within pensions. For the record, it's anyone's guess from one day to the next what the market will do; ie, the surplus is predicated on how well the market will perform. No one, to my knowledge, knows with certainty what the market will do. So I come back to the initial premise that the person with the risk or the liability, in most cases the employer, has a responsibility to manage the fund and the liability of the fund. The employees should, in the defined benefit plan—and there is a difference between plans—be entitled to the benefit. Former employees, when they sign their retirement papers, recognize that there are entitlements which they worked there many years to provide.

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In conclusion, I think that it's important to put on the record the important sections of this bill that I refer to as paramount to be understood. It's in section 79: "Application for payment of surplus to affected individuals, on a full windup." Subsection 79(1) reads, "This section applies if a pension plan is being wound up, but not if the pension plan is being wound up only in part." There are several conditions that must be met, one of which is, "On an application under this section, the superintendent shall not consent to the payment of the surplus unless the superintendent is satisfied that the following circumstances exist"; that is,

"1. The pension plan has a surplus, as determined in accordance with the prescribed criteria.

"2. The affected individuals are entitled to the surplus, as their entitlement is determined with reference to the prescribed documents"; that's the pension plan agreement.

That section I believe is absolutely paramount. We clarify for those listening today. I am on the record as saying there is no risk to those members, current or former, in a pension plan in the language in this bill. The other sides are clearly misguided and clearly misinstructing the people of Ontario. I can tell you that our Minister of Finance stands behind employers and employees and the future security of pensions in this province.

Mr Gerard Kennedy (Parkdale-High Park): It is my pleasure to be one of the few members of this Legislature, thanks to this fraidy-cat government, that gets to actually speak to this bill. Incredible—we have a group of people over there afraid to govern, afraid to talk about their initiatives. They want to bundle them in a big pile in an omnibus bill like this and they are afraid to have open debate and discussion. If they're not afraid, break the bill up; let's have the hearings people are asking for, if you're so confident of what you're crafting today. This is embarrassing for this government: slinking around, having no guts to put this stuff forward in a way that the public of Ontario can actually see what they're up to.

It is a pleasure, a limited pleasure, to be able to speak to this bill, one this government would deny to most members of this House because they're afraid. And they have good reason to be afraid, because this is another one

of those sloppy exercises by this government, another tucking in of some of the messes that they are creating.

Interjection.

Mr Kennedy: We have a member across making noise, picked up probably by the microphone of the member from Durham. This is the member, in fact, who's getting his hand slapped today, slightly—very slightly. The member opposite brought in a tax credit, people will remember, for private schools. Today, in this bill, the government that thought they were confident about this—Mr Speaker, you may be aware that 32 US states put this on the ballot. They voted—

Interjections.

The Acting Speaker: Sorry to interrupt. Take your seat, please. Order. Members of the House, please allow the member the opportunity to speak. All afternoon speakers have been given their chance. I'm asking you to respect his opportunity and his right to speak. The member will continue.

Mr Kennedy: Thank you, Mr Speaker. I treasure it even more because it's the few minutes we get to discuss this bill and to look at what this government is doing. They have this initiative and it's about granting tax—it's paying people to take their kids out of public school and into private school. This was put on the ballot by more courageous governments, right-wing and left-wing, in the United States than this one. It's afraid to have public debate on it. In those states, every one of 32 states, it was defeated. That's what happens to many of the measures this government puts forward in this cowardly fashion, such as the bill we have in front of us. When the people know about it, when the light of day shines on it, it disappears. But that's not what this government is doing.

Interjections.

The Acting Speaker: Take your seat, please. I don't want to have to get up again. Every one of you on the government side has taken turns, after I have asked you to come to order, one after another. I realize you don't like what's being said, but he has a right to say it. I appreciate the apology, but if it continues, I will have people removed. The member may continue.

Mr Kennedy: Even as that rumble of discontent over there occurs, it makes the point: they don't want this to be heard. They don't want people to acknowledge and recognize—what is this government really doing with this bill? One of the things they are doing is they're readying themselves to pretend at the time of the election that they actually listen to or have any regard for the interests of the people of this province. One of those slick ways that is in this bill is that they're going to postpone one instalment of the private school tax credit. That's what they're going to do. So you had the member opposite propose this—and it's the only place in North America that actually pays people to leave public school, go into private school, and get public dollars to do it, tax dollars. Each of these members opposite is proud of that fact. For high-end private schools—they try to hide behind schools that aren't, but they know that 60% of the beneficiaries of that are actually secular people in

schools. They like to hide behind it and say it's some of the religious groups that in fact already have something of a tax credit. But here they are, with their tail between their legs, actually putting this aside, trying to tidy up a little bit ahead of an election.

What's really happening out there is that next year people will fill in their income tax forms and claim \$70 million or \$100 million of this eventual \$500-million diversion of public dollars into private schools. That's what this government really stands for.

It's an interesting thing to watch the members opposite when they don't have the guts, when they've lost their determination, when they've lost any conviction whatsoever for what they particularly think they stood for. That's what we're seeing instead, this weaseling kind of motion that this bill represents to us today—postpone that tax credit, don't have it in front of people who might want to debate it, might want to discuss it at the time of the election; pretend it's not happening. Well, it is happening and it's having a deleterious effect: a 54% increase in private school enrolment under this government. That's their legacy—200 private schools opened under this government; 440 public schools closed under this government. The member is still clapping because 440 public schools being shut down is something that they want.

This pause in the constitution of the Conservative party, as they lose their nerve, is nowhere near sufficient to protect the public interest. So just as we see the members today, in their splendid timidity, here to support the closure motion of this particular discussion, so too the bill lacks that backbone.

Also, there are these champions of private enterprise opposite saying they don't have to be accountable any more for their decision. They made choices. They decided that instead of adequately funding the schools of this province, they'd give some of that money away.

They decided also that they would lower corporate taxes, large corporate taxes in this province, from a position where we're competitive. In fact we are significantly below, five basis points, 12% below the 10 US states we compete with right now, today, in fact before this was implemented, before the first instalment of this happened. Does this mean they've rethought it, that the \$2.2 billion they want to hand out to large corporations is something that they're giving pause to, that they're giving sober consideration to? No, it doesn't. It is pure, unadulterated political expediency that in the year of the election they'll postpone the second instalment. They will still take that money away from the things that are necessary, in the public interest in this province. That \$2.2 billion is needed in education. It's needed in health care.

I'll tell you that this party, given the opportunity, will cancel that tax credit and cancel that tax reduction because we have made choices as well. We have made ones that are consistent with the public interest.

1730

A number of speakers today have brought up what is on the concern list of a lot of people in this province, people in my constituency, people like Lori Bremner, for example, on Brookside Avenue, who is an employee and member of the pension plan of the Power Workers' Union. As our member for Toronto Centre-Rosedale, George Smitherman, has very effectively pointed out, this bill has some other less than stalwart initiatives by this government not having the guts to put it forward for what it really is. What have we heard from the government in response to the concerns of people like Ms Bremner? Have we heard: "We'll look at that. We'll carve out this bill. We'll put it into hearings," as my colleague has asked? If they would actually not be afraid of that, they would not be inflicting a bill that very good analysis shows will change the pension rights in this province and will give employers access to pensions that were earned properly by workers. In fact, you will have heard earlier that in the case of National Trust, we understand there's \$160 million at stake, 3,600 former employees, and the company hasn't contributed to this plan since 1980. Yet this bill would enable them some access to that.

There is a simple way for this government to proceed if it has integrity. I mean "integrity" in the sense of a government that sees itself carrying out the public interest, short of ideological detours and beholden to private interests. This government could elect that route. Instead we're here today in this desultory remaining time that we have to discuss a bill of importance that touches on pensions, on private school tax credits, on corporate taxes; in fact, it probably touches, in one way or another, everyone who lives in this province.

When a government loses its nerve, loses its resolve, loses its contact with the public interest, it does these kinds of things, and we see that here today. They've bundled together in a fairly cowardly fashion a huge bunch of measures, none of which they have the courage to debate on their merits independently, and certainly none of which they have the courage to take out to the public and actually listen to the people who are affected.

I don't know what happens to these gentlemen on Friday. This Legislature, this House sits four days of the week. I know most members are in their constituency offices. I assume that they bar the doors, because that's the only way they can conduct themselves in the face of bills like this. When people reasonably ask them, as their elected officials, "What are you doing about my part of the public interest? What about my pension? Will you at least sit down and talk to me? Will you at least sit down and hold hearings?" the members opposite must be out for coffee an awfully long time because I can't imagine they have any good answers to the people who are there.

As our member for Toronto Centre-Rosedale has very strongly pointed out, they hide behind a consultation paper that talks about surplus distribution with defined pension benefit plans. There is no mention in that consultation about retroactivity. There is nothing about regu-

lations overruling documents, statutes or rule of law and no mention about removing the right to appeal to the courts. None of that is in there.

With those substantive differences—

Interjections.

The Acting Speaker: Stop the clock. Please take your seat. The Minister of Enterprise and the member for Durham, there are two minutes and 48 seconds remaining in this speech. If either of you says one word, you're leaving.

The member will please continue.

Mr Kennedy: The member for Whitby-Ajax and the member for Durham are pleased with this bill. It makes them happy that they can trammel the rights of their constituents and of people around the province, because the majority in this House, despite outward appearances, rests on their enthusiastic co-operation.

As we mentioned before, the member for Whitby-Ajax engineered a number of the measures that are now being pushed back in this bill, and so did the Premier. The Premier, if I understand correctly, initiated the corporate tax cut. Again, the public of Ontario may hear about this bill in the flash that it goes through House and believe that maybe there was some second thought on the part of the government, but there isn't. There is just this obvious cleverness, this obvious slickness that the government is putting forward in this particular bill to try and set itself up for the election, to present itself for something that it patently is not. The various measures of this bill all speak to a certain lack of basic care for the public interest.

When we heard from this government before, even those who disagreed with it would at one time have said that when you heard something from this government, it may have had some conviction behind it. They wrapped that up in a bill called the Taxpayer Protection Act at one point and said, "No matter what happens, you can depend on the member from Brampton to deal with taxes. They won't be increased under his watch." The members here have said, these courageous ministers on the front bench, the member for Whitby-Ajax said, "I will take a pay cut before I go against this act to balance the budget," and so did a number of the other people here. We saw them beat their breasts around the province. But at the first sign of trouble, the first sign of something that would require real governance, real custody of the public interest, they ran for the hills. And that's what this bill is. This is the abandonment bill. This is a government meekly, tiredly, cowardly trying to run away from some of the things—at least far enough, it hopes, that they won't be held against them at the time of the election.

The Taxpayer Protection Act I think is something that a lot of people out there haven't looked into in a lot of detail, but they thought they knew one thing about this government: that they would deal with some of the financial and deficit issues. Instead, they do whatever is politically expedient for them.

There was an incarnation of this particular government that used to name bills. Certainly the name for this bill is Political Expediency Squared. This is not the salvation,

it's the salvaging of the electoral chances of the Tory party. I hate to disabuse the members opposite of their hopes and wishes for this bill, but even if their majority gets to pass it, it's not in the interests of the public of Ontario and it's not going to stand when we're in government.

Mr Kormos: Thank you kindly. As it is, I'll be the last and final speaker on this bill, bar none. There won't be any third reading debate of the bill. There won't be any committee hearings around the bill. Part of me is surprised, but then part of me, of course, can't be surprised because this government has abolished third reading.

This government has abolished third reading as a process that bills historically—and I'm not talking about 10, 20, 30 years—over the course of centuries have gone through in terms of passage, and for good reason.

This government has abolished committee hearings. When we do have committee hearings they're 30 minutes long, they're shut down at 4 pm by virtue of the time allocation motion that's passed, and the committee hearings that are offered up by this government are designed solely by virtue of being merely 30 minutes long so that the government can present amendments to fix up mistakes that it made during the course of drafting its own legislation.

It's even during the debate around this time allocation motion that the government serves yet another notice of motion, this time relating to Bill 191—it's already been referenced by speakers in this chamber—a bill that all three parties support and all three parties have spoken on enthusiastically. New Democrats, when they spoke to it, supporting it in principle, expressed a strong interest in making Bill 191 a far more effective bill than what it is as written.

It's been the suggestion around the debate on Bill 191 that committee hearings—and they needn't be lengthy with respect to Bill 191—would be useful in terms of doing some amendments to make that bill—Bill 191 is the bill that's designed to protect police officers and, we would hope, other emergency and security personnel who have their lights flashing on the side of highways.

This government seems not to understand, and perhaps never did, and if it did it's long forgotten, that the government, especially majority government, has some responsibility to the Parliament and surely to the people of Ontario to ensure that a bill is proceeded with in a way that's proper, in a way that's fair, and in a way that's just.

Make no mistake about it: this government has complete control over whether or not a bill goes to committee. By virtue of its time allocation motion, the one we are addressing today, the one that's in the order book, time allocation motion 64, this government specifically chose not only to eliminate any further debate on second reading—and it did that at the first possible opportunity pursuant to the standing orders—but to deny this bill any consideration in public hearings. Again, let's make it quite clear that by virtue of the time allocation motion the government could have made those public hearings as

long or as brief as they wanted. Never mind half an hour, not one minute.

This government knows full well that there is incredible concern out there by workers throughout this province about the impact of the amendments to the Pension Benefits Act. Those amendments have been addressed in this House, albeit briefly, during the course of question period and the modest amount of time allocated—because the minimum amount of time has been permitted for debate around this bill—the barest of minimums.

1740

This bill has some dire and serious consequences for workers in every corner of this province, working women and men who work hard and, yes, who make significant contributions to their pension plans. As you know, we are of the strong, firm view that every penny in a workers' pension plan belongs to those workers—every penny. Yet this bill, so typical of this government, bowing to their corporate bosses, following the marching orders from the corporate capos, will open the door wide open to pension surplus raiding. Don't suggest for the briefest of moments that corporations wouldn't try it, because they've done it when they could, and now they can again. Workers are being ripped off, robbed, and this government, in Bill 198, has legalized that thievery.

Clearly, this government has many good reasons not to want this bill to go to committee. There are any number of readers and analysts of this legislation, lawyers—competent and capable ones included—who indicate that there is no doubt about the amendments to the Pension Benefits Act contained in Bill 198. Never mind the crimes this bill will enable to be committed by virtue of the theft of workers' pension funds, this bill is a crime in and of itself. I shouldn't be overly surprised, because I recall over the course of the last several weeks having conversations with insiders in the auto insurance industry, because the bill of course contains yet another package of reductions in injured persons' benefits in the context of automobile insurance. What I recall now and found uncanny when they told it to me is that those same insiders, the ones who claimed to have been a part of the process of consultation with the government, because Lord knows the government consulted the auto insurance industry—another industry giving its marching orders, reflected in this bill, the amendments to the Insurance Act.

They told me there would be no public hearings. As recently as three or three and a half weeks ago, those same insiders were telling me not to worry, the bill was going to become law before Christmas, and not to get myself geared up for public hearings, as I might have been inclined to in the past, because there won't be public hearings. They knew. This time allocation motion isn't an accident, it isn't a gesture of frustration on the part of the government; it has been part of the plan from day one.

Somebody from this government gave assurances to the auto insurance industry that they weren't going to have to worry about defending the new reduced no-fault,

especially medical, rehab benefits for injured persons. They weren't going to have to worry about preparing for committee hearings, because this bill wasn't going to go to committee. They received that assurance.

That's beyond repugnant; it's shameful. This government will seek to blame the opposition every step of the way, but at the end of the day, let's make no mistake about it: it's the government that decides whether or not bills get debated properly, because they have access to time allocation motions after but three mere afternoons, usually no more than six hours of debate. That means that no more than a handful of opposition party members get to speak to the bill. Government members tend not to speak to it, most of them because they haven't read the legislation; the rest who have read it, because they can't justify it or defend it and they're embarrassed by it. They don't want to speak to it. But I tell you, opposition members in this chamber know what their responsibilities are and tend to fulfill those responsibilities. This government is doing its best to show its disdain and contempt for the opposition and for this Parliament.

The Acting Speaker: The time for debate has expired. I am now going to put the question.

Mr Stockwell has moved government notice of motion number 64. Is it the pleasure of the House that the motion carry?

All those in favour will please indicate by saying "aye."

All those opposed will please indicate by saying "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1745 to 1755.

The Acting Speaker: Will the members please take their seats. Order, please. How long is this going to take? We'll wait until you're done.

Those members in favour of the motion will please indicate by rising one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Hastings, John	Newman, Dan
Baird, John R.	Hudak, Tim	O'Toole, John
Barrett, Toby	Jackson, Cameron	Ouellette, Jerry J.
Beaubien, Marcel	Johns, Helen	Runciman, Robert W.
Chudleigh, Ted	Johnson, Bert	Sampson, Rob
Clark, Brad	Kells, Morley	Spina, Joseph
Clement, Tony	Klees, Frank	Sterling, Norman W.
Coburn, Brian	Marland, Margaret	Stewart, R. Gary
Cunningham, Dianne	Martiniuk, Gerry	Stockwell, Chris
DeFaria, Carl	Maves, Bart	Tascona, Joseph N.
Dunlop, Garfield	Mazzilli, Frank	Tsubouchi, David H.
Ecker, Janet	McDonald, AL	Turnbull, David
Flaherty, Jim	Miller, Norm	Wettlaufer, Wayne
Galt, Doug	Molinari, Tina R.	Witmer, Elizabeth
Gilchrist, Steve	Munro, Julia	Wood, Bob
Gill, Raminder	Murdoch, Bill	Young, David
Hardeman, Ernie	Mushinski, Marilyn	

Nays

Agostino, Dominic	Cordiano, Joseph	Martel, Shelley
Bisson, Gilles	Dombrowsky, Leona	Martin, Tony
Bountrogianni, Marie	Duncan, Dwight	Phillips, Gerry
Bradley, James J.	Kennedy, Gerard	Prue, Michael
Bryant, Michael	Kormos, Peter	Ramsay, David
Caplan, David	Kwinter, Monte	Smitherman, George
Churley, Marilyn	Marchese, Rosario	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 50; the nays are 20.

The Acting Speaker: I declare the motion carried.

We have a late show this evening. I'm going to ask all members who aren't staying to please quickly leave the chamber so we can have that. Let's go, in or out.

1800

ADJOURNMENT DEBATE

The Acting Speaker (Mr David Christopherson): Pursuant to standing order 37, the question that this House do now adjourn is deemed to have been made. The member for York-South Weston has given his dissatisfaction with the answer to a question given yesterday on adult education by the Premier. The member for York-South Weston now has up to five minutes to debate this matter.

EDUCATION FUNDING

Mr Joseph Cordiano (York South-Weston): I'm happy to speak to this, but I'm disappointed that the Premier isn't here to respond because I challenged him personally to respond to the question I put to him in the House. This is a very important issue we raised and I think it deserves serious attention.

The fact is, the supervisor appointed by the Premier, this government, to deal with the Toronto school board budget has decided to make cuts in the order of \$90 million. As a result, adult day schools in the city of Toronto will be cut. They'll be consolidating seven schools to five schools. That means York Adult Day School in my riding is going to be shut down. It's slated to close in June 2003, and the Maplewood school in Scarborough as well. These closures will result in the loss of 2,800 adult day school spaces.

The fact of the matter is, there are currently waiting lists for the other adult education centres. These people have nowhere to go. It's inconceivable to me that this government would cut these programs at a time when we're dealing with a knowledge-based economy where people need to acquire additional skills to succeed in the workplace. They need to do that. They need basic high school diplomas. By the way, these adult learners usually get their diplomas within one year, so they do this rather quickly. This is the best investment we could make.

But you know what's interesting is that this government has cut the amount of funding to enrolment in adult day schools. In 1994-95, it used to be that 102,000 adult day spaces were operational. Guess what the number was

The Acting Speaker: All those members opposed to the motion will please rise one at a time and be recognized by the Clerk.

in the year 1999-2000? It went down to 39,000 spaces right across the province. That's a reduction of 61%—enormous. We're not talking about small amounts here. We're talking about a huge cut in adult learning, and we cannot afford to have that in Ontario. Our economy depends on people having the highest level of skill and the greatest amount of education. If we're going to compete with other jurisdictions, we need these people to be better educated.

What has happened in Toronto? In 1994-96, total enrolment was 16,000 in the city of Toronto. Enrolment has decreased as of 1999 to 3,300 spaces—a huge drop again.

What's interesting as well is that the funding level has decreased. Pre-1996 per adult funding was \$7,000; currently it is \$2,200. Obviously school boards are having a hard time creating these spaces and so they've cut back. They're being forced to cut back as a result of the per-student funding. It's been reduced drastically.

This is directly as a result of this government's failure to fund grants properly. There's no other way to put it, because it's very clear that this government does not believe in adult education and ongoing education. It doesn't believe it's an integral part of a knowledge-based economy. It doesn't believe these students should have an opportunity to complete their education as adults. It has not properly funded, and what it's doing to the city of Toronto is cutting more than it ever has.

Frankly, the Premier denied that \$2 billion has been cut from education. When you take per capita student funding in 1995 compared to the year 2002, per capita spending has gone down. The amount is \$2 billion. It's per student spending we're talking about. In terms of taking the entire enrolment and the amount of funding that was there for education, it's gone down. There's no denying it. It's a \$2-billion loss and we're seeing the effects of that in adult education, and this government ought to be ashamed of that.

The Acting Speaker (Mr David Christopherson): The Premier's parliamentary assistant now also has up to five minutes to respond.

Mr Garfield Dunlop (Simcoe North): It's my pleasure to respond to the late show request by the member for York South-Weston.

Our government recognizes the importance of lifelong learning, including the upgrading of work-related skills. That is why the student-focused funding provides support to a broad range of services for adult learners, including adult literacy and English-as-a-second-language programs.

Under student-focused funding, adult education is funded through the continuing education and other programs grant. Of course, if you're used to the pie chart or how we detail the student-focused funding formula, that's one of the key pieces of that pie. This grant supports the provision of adult day school programs and continuing education programs such as adult English as a second language, adult French as a second language, an

adult native language, an adult credit for diploma, and a correspondence and self-study diploma as well.

For the 2002-03 school year, the continuing education and other programs grant is projected at \$141 million. According to the student-focused funding models, the Toronto District School Board is projected to receive roughly \$33 million of this amount. So when all of the provincial money is spent on that, of the \$141 million, the Toronto board gets \$33 million. That's consistent with almost all the programs operated by the government.

Funding for adult and continuing education students is at the rate of \$2,294 per average daily enrolment. This figure reflects the board's cost to offer an education program to an adult learner. Again, that is consistent with the percentage across the province with other boards.

To help boards manage their budgets for the 2002-03 year, the government is allocating almost \$490 million in flexible funding, which can be used to address local priorities such as adult education programs. Of course, that is at the discretion of the local board, and the Toronto board had the opportunity to do that as well. The Toronto District School Board's flexible funding amount is almost \$55 million.

With regard to possible program closures, it is important to note that the school boards develop and implement policies that reflect local priorities and focus on student needs. It is the responsibility of the school boards to allocate resources to each program and in each school according to their local priorities. Once a board's budget is set, it becomes the duty of the principal to set the schools' budgets and to organize the schools according to the board's policies and the schools' priorities.

Our government is increasing funding for Ontario's public schools by almost \$400 million for the 2002-03 school year. That's more than a \$360-million increase that we announced last year. With this increased investment in Ontario's students, our government's total spending on public education climbs from \$13.86 billion in the 2001-02 year to \$14.26 billion for 2002-03. Funding will increase by 2.9% over last year, while enrolment is projected to increase by only 0.4%. In fact, while more than half of our school boards may see a drop in the number of students, almost all boards will receive an increase in funding.

The Toronto District School Board's funding for 2002-03 is projected at—get this—\$1.98 billion, an increase of 2.68%, while enrolment at the board is increasing by only 0.56%.

Our education recognizes that simply increasing funding does not guarantee our students will receive a quality education. Increases in funding should be directed in a way that gives students the maximum benefit, and that's money in the classroom. That is why we created the Education Equality Task Force to help us identify how to allocate the funding where it will do the most good for our students, and of course we all know that is right in the classroom. Once the government has reviewed the recommendations of the task force, we will be in a better position to set future directions for student-

focused funding. I think we all agree it has to be tweaked and massaged a little bit to make it perfect for different boards across the province.

I appreciate this opportunity and I appreciate speaking on behalf of the Premier tonight.

Mr Cordiano: On a point of order, Mr Speaker: Can I register my dissatisfaction with that answer?

The Acting Speaker: No, you can't. There is no point of order. Sit down.

As a matter of fact, there being no further matters to debate, I deem the motion to adjourn to have been carried. Therefore, this House stands adjourned until 6:45 this evening.

The House adjourned at 1811.

Evening meeting reported in volume B.

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Troisième session, 37^e législature

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Journal des débats (Hansard)

Thursday 21 November 2002

Jeudi 21 novembre 2002



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 21 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 21 novembre 2002

The House met at 1845.

ORDERS OF THE DAY

The Acting Speaker (Mr Raminder Gill): Orders of the day.

Hon Doug Galt (Minister without Portfolio): Thank you, Mr Speaker. It's nice to see you occupying the chair this evening.

I seek unanimous consent to consider Bill 177 this evening, notwithstanding order 77(b).

The Acting Speaker: Is it agreed? Agreed.

House in committee of the whole.

MUNICIPAL STATUTE LAW AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT DES LOIS EN CE QUI A TRAIT AUX MUNICIPALITÉS

Consideration of Bill 177, An Act to amend the Municipal Act, 2001, the Municipal Elections Act, 1996 and other Acts consequential to or related to the enactment of the Municipal Act, 2001 and to revise the Territorial Division Act / Projet de loi 177, Loi modifiant la Loi de 2001 sur les municipalités, la Loi de 1996 sur les élections municipales et d'autres lois par suite de l'édiction de la Loi de 2001 sur les municipalités et révisant la Loi sur la division territoriale.

Hon Doug Galt (Minister without Portfolio): I seek unanimous consent for the following procedure to be followed for the consideration of Bill 177. The Chair shall put every question necessary to dispose of the clause-by-clause stage of the bill without debate. The Chair shall allow only those amendments previously filed with the Clerk on schedule D. All questions shall be decided by voice vote with no division allowed pursuant to standing order 29.

The Acting Chair (Mr Raminder Gill): Is there agreement? Agreed.

We'll be dealing with each section of the bill and with three amendments to schedule D.

Shall sections 1 through 9 carry? Carried.

Shall schedules A through C carry? Carried.

Mr Galt has an amendment to schedule D, section 8.

Hon Mr Galt: I move that section 8 of schedule D to the bill be amended by adding the following subsection:

"(1.1) Section 29 of the act is amended by adding the following subsections:

"Certain persons eligible to be nominated

"(1.1) Despite subsection (1) and despite section 258 of the Municipal Act, 2001, and section 219 of the Education Act, an employee of a municipality of the council or local board is not ineligible to be nominated in an election for an office with the council or local board that is the employer by virtue of being an employee of the council or local board that is the employer but, if the person is an employee and not on a leave of absence as described in section 30 as of the close of nominations on nomination day of the election, the nomination shall be rejected by the clerk under section 35."

1850

The Acting Chair: Shall the amendment carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it. The amendment is defeated.

Hon Mr Galt: I move that section 8 of schedule D to the bill be amended by adding the following subsection:

"(1.1) Section 29 of the act is amended by adding the following subsections:

"Certain persons eligible to be nominated

"(1.1) Despite subsection (1) and despite section 258 of the Municipal Act, 2001, section 9 of the Legislative Assembly Act and section 219 of the Education Act, a member of the Legislative Assembly of Ontario or the Senate or House of Commons of Canada is not ineligible to be nominated for an office in an election by virtue of being a member of any of those bodies but, if the person is a member of any of those bodies as of the close of nominations on nomination day of the election, the nomination shall be rejected by the clerk under section 35.

"Exclusion

"(1.2) Subsection (1.1) does not apply to a member of the executive council of Ontario or a federal minister of the crown."

The Acting Chair: Shall the amendment carry? Carried.

Hon Mr Galt: I move that the bill be amended by adding the following section:

"26.1 Paragraph 3 of subsection 70(4) of the act is repealed and the following substituted:

"3. The crown in right of Canada or Ontario, a municipality or local board."

The Acting Chair: Shall the amendment carry? It is carried.

Shall schedule D, as amended, carry? Carried.

Shall schedules E and F carry? Carried.

Shall the title of the bill carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

Hon Mr Galt: I would now move that the committee of the whole House rise and report.

The Acting Chair: Shall the motion carry?

All those in favour?

All those opposed?

In my opinion, the ayes have it. Carried.

Mr Speaker, the committee of the whole begs to report one bill with certain amendments and asks for leave to sit again.

The Acting Speaker (Mr Raminder Gill): Shall the report be received and adopted? Agreed.

GOVERNMENT EFFICIENCY ACT, 2002

LOI DE 2002 SUR

L'EFFICIENCE DU GOUVERNEMENT

Mr Galt, on behalf of Mr Flaherty, moved third reading of the following bill:

Bill 179, An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts and by enacting one new Act / *Projet de loi 179, Loi visant à favoriser l'efficacité du gouvernement et à améliorer les services aux contribuables en modifiant ou en abrogeant certaines lois et en édictant une nouvelle loi.*

The Acting Speaker (Mr Raminder Gill): Pursuant to the order of the House dated October 28, 2002, I'm now required to put the question. Is it the pleasure of the House that the motion carry?

Those in favour?

Those against it?

In my opinion, the ayes have it.

Be it resolved that the bill do now pass and be entitled as in the motion.

LEGAL AID SERVICES

AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI

SUR LES SERVICES

D'AIDE JURIDIQUE

Mr Galt, on behalf of Mr Young, moved third reading of the following bill:

Bill 181, An Act to amend the Legal Aid Services Act, 1998 / *Projet de loi 181, Loi modifiant la Loi de 1998 sur les services d'aide juridique.*

The Acting Speaker (Mr Raminder Gill): Pursuant to the order of the House dated October 21, 2002, I'm now required to put the question. Is it the pleasure of the House that the motion carry?

All those in favour?

All those against it, say "nay."

I think the ayes have it.

Call in the members. It will be a five-minute bell.

I have a note: "Pursuant to standing order 28(h), I would like to request that the vote on Bill 181, An Act to

amend the Legal Aid Services Act, 1998, be deferred until November 25, 2002." The vote is therefore deferred.

CONSUMER PROTECTION STATUTE

LAW AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT DES LOIS

EN CE QUI CONCERNE

LA PROTECTION DU CONSOMMATEUR

Resuming the debate adjourned on November 18, 2002, on the motion for second reading of Bill 180, An Act to enact, amend or revise various Acts related to consumer protection / *Projet de loi 180, Loi édictant, modifiant ou révisant diverses lois portant sur la protection du consommateur.*

The Acting Speaker (Mr Raminder Gill): Pursuant to the order of the House dated November 19, 2002, I'm now required to put the question. On October 28, 2002, Mr Hudak moved second reading of Bill 180. Is it the pleasure of the House that the motion carry?

All those in favour?

Those opposed?

I believe the ayes have it.

Call in the members. It will be a five-minute bell.

I have a note here: "Pursuant to standing order 28(h), I would like to request that the vote on Bill 180, An Act to enact, amend or revise various Acts related to consumer protection, be deferred until November 25, 2002." The vote is deferred till then.

MUNICIPAL STATUTE LAW

AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT DES LOIS

EN CE QUI A TRAIT AUX MUNICIPALITÉS

Mr Galt, on behalf of Mr Hodgson, moved third reading of the following bill:

Bill 177, An Act to amend the Municipal Act, 2001, the Municipal Elections Act, 1996 and other Acts consequential to or related to the enactment of the Municipal Act, 2001 and to revise the Territorial Division Act / *Projet de loi 177, Loi modifiant la Loi de 2001 sur les municipalités, la Loi de 1996 sur les élections municipales et d'autres lois par suite de l'édiction de la Loi de 2001 sur les municipalités et révisant la Loi sur la division territoriale.*

The Acting Speaker (Mr Raminder Gill): Shall the motion carry?

All those in favour?

All those opposed?

In my opinion, the ayes have it.

Call in the members. It will be a 30-minute bell.

I've been handed this note: "Pursuant to standing order 28(h), I would like to request that the vote on Bill 177, An Act to amend the Municipal Act, 2001, the Municipal Elections Act, 1996 and other Acts consequential to or related to the enactment of the Municipal Act, 2001 and to revise the Territorial

Division Act be deferred until November 25, 2002." The vote is therefore deferred until November 25, 2002.

Orders of the day.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Thank you very much, Mr Speaker, for stepping in. I think you did a wonderful job.

I would move adjournment of the House.

The Acting Speaker: Is it the pleasure of the House that the motion be carried? It is carried. This House stands adjourned until Monday at 1:30 of the clock.

The House adjourned at 1902.

LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Haldimand-Norfolk-Brant	Barrett, Toby (PC)
Ancaster-Dundas-	McMeekin, Ted (L)	Haliburton-Victoria-Brock	Hodgson, Hon / L'hon Chris (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Flamborough-Aldershot			
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Halton	Chudleigh, Ted (PC)
Beaches-East York	Prue, Michael (ND)	Hamilton East / -Est	Agostino, Dominic (L)
Bramalea-Gore-Malton-	Gill, Raminder (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Springdale		Hamilton West / -Ouest	Christopherson, David (ND)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hastings-Frontenac-	Dombrowsky, Leona (L)
Brampton West-Mississauga /	Clement, Hon / L'hon Tony (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Lennox and Addington	
Brampton-Ouest-Mississauga		Huron-Bruce	Johns, Hon / L'hon Helen (PC) Ministe of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Brant	Levac, Dave (L)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kingston and the Islands /	Gerretsen, John (L)
Burlington	Jackson, Cameron (PC)	Kingston et les îles	
Cambridge	Martiniuk, Gerry (PC)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
Chatham-Kent Essex	Hoy, Pat (L)	Kitchener-Waterloo	Witmer, Hon / L'hon Elizabeth (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Davenport	Ruprecht, Tony (L)		
Don Valley East / -Est	Caplan, David (L)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Don Valley West / -Ouest	Turnbull, Hon / L'hon David (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation	Lanark-Carleton	Sterling, Hon / L'hon Norman W. (PC) Minister of Transportation / ministre des Transports
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Wellington-Grey	O'Toole, John R. (PC)		
Durham	Colle, Mike (L)	London North Centre /	Cunningham, Hon / L'hon Dianne (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Eglinton-Lawrence	Peters, Steve (L)	London-Centre-Nord	Wood, Bob (PC)
Elgin-Middlesex-London	Hudak, Hon / L'hon Tim (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	London West / -Ouest	Mazzilli, Frank (PC)
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Essex	Stockwell, Hon / L'hon Chris (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	Markham	Sampson, Rob (PC)
Etobicoke Centre / -Centre	Hastings, John (PC)	Mississauga Centre / -Centre	
Etobicoke North / -Nord	Kells, Morley (PC)		
Etobicoke-Lakeshore	Lalonde, Jean-Marc (L)		
Glengarry-Prescott-Russell	Elliott, Hon / L'hon Brenda (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance		
Guelph-Wellington			

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga East / -Est	DeFaria, Hon / L'hon Carl (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	Galt, Hon / L'hon Doug (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	Clark, Hon / L'hon Brad (PC) Minister of Labour / ministre du Travail
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Oshawa	Ouellette, Hon / L'hon Jerry J. (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Bartolucci, Rick (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	Molinari, Hon / L'hon Tina R. (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Timiskaming-Cochrane	Ramsay, David (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
Parry Sound-Muskoka	Miller, Norm (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Perth-Middlesex	Johnson, Bert (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Arnott, Ted (PC)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Monday 25 November 2002

Lundi 25 novembre 2002



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 25 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 25 novembre 2002

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): Words cannot express the depth of my pride in the people of greater Sudbury and northeastern Ontario, whose concerted effort in recent months has prompted the provincial government to finally act on the multi-laning of Highway 69.

What got us to where we are today? Well, it was the 14,000 people who signed the postcard, the 28,000 people who signed the petition, the 7,645 people who signed the electronic petition and the well in excess of 11,000 people who signed the bumper sticker and put it on their cars. It was our media in Sudbury, it was the Northern Life, it was our radio stations and our television station who kept the issue alive, who believed in the issue and promoted it almost on a daily basis. Last but not least, it was the CRASH 69 committee, the committee made up of our community. "CRASH 69" stands for "community rallying against substandard Highway 69." We came together as a group from business, labour, service clubs, education, health care and, tragically, from those who lost loved ones. The result: well, the government made the announcement.

But you know what? The announcement is good, but rhetoric must be reality. The promise must translate itself into pavement. I say today that the community of Sudbury, the community of northeastern Ontario, will be very vigilant to ensure that that announcement becomes reality.

I say to the people of my community, my constituents, that a lot of people will want to take credit for it, but the reality is that there is only one group that should be taking credit: the constituents of the ridings of Sudbury and Nickel Belt and northeastern Ontario. I'm proud of you. We've proven that if you stay together, if you believe in a cause and if you're determined to ensure you reach your goal, you can do it.

Again, I am proud of the constituents I represent; I am proud of the people in Nickel Belt; I am proud of the people of northeastern Ontario. We came together, and certainly David slew Goliath.

ST CATHARINES COURTHOUSE

Mr Bart Maves (Niagara Falls): On Friday, November 22, I attended the dedication ceremony of the St Catharines courthouse, along with colleagues Minister David Young, Minister Tsoubouchi, Minister Hudak and St Catharines MPP Jim Bradley.

The St Catharines courthouse was officially dedicated to the late Robert S.K. Welch. Many admirers, colleagues, friends and family members, including Mr Welch's grandchildren, were in attendance to recognize Mr Welch's long record of public service.

Mr Welch was first elected to the Ontario Legislature in 1963, and during his many terms served in just about every portfolio, including Attorney General twice, education and energy. As well, Mr Welch served many years as Deputy Premier. Mr Welch had a wonderful sense of humour, and was a great orator and an extremely capable manager of each ministry he captained. He was a true leader and a great gentleman. He was indelibly connected to and had a deep and abiding respect for the law.

The idea to dedicate the courthouse to Mr Welch came from a committee that was organized by St Catharines resident Dave McDonnell.

The courthouse is located in downtown St Catharines and currently serves St Catharines, Niagara-on-the-Lake, Niagara Falls, Grimsby, Smithville and the town of Lincoln.

Future visitors to the courthouse will be able to view a commemorative plaque that will be placed in the main lobby of the courthouse.

Hundreds of people came out on Friday to honour Mr Welch and the many contributions he made to the community and the province, for which we are all forever in his debt.

AFFORDABLE HOUSING

Mr Dominic Agostino (Hamilton East): I was proud this morning to be there along with a number of colleagues as my leader, Dalton McGuinty, unveiled the Growing Strong Communities platform, the second part of the Liberal platform that will lead us into the next election and lead us to a better province for people who are in need of affordable housing.

This platform, that has been unveiled today by the leader, is going to commit \$245 million to housing in Ontario. We're going to ensure there are 20,000 new units built in this province. We're going to have a shelter allowance to help 35,000 Ontario working families.

We're going to have real protection, unlike the pie-in-the-sky NDP irrelevant approach nobody believes or listens to, and unlike eight years of being abandoned by this government. Tenants, people who need affordable housing in this province, are finally going to get some help.

We're going to get rid of the Tenant Protection Act that is now in place and bring in real legislation. We're going to bring in real rent control, that is going to help people across this province—not the type of deal that this government has cut with developers, that has abandoned tenants across Ontario. We're going to restructure the Ontario Rental Housing Tribunal; we're going to establish a provincial rent bank; and we're going to establish an Ontario mortgage and housing partnership. We are going to work with the federal government; we're going to work with developers; we're going to work with tenants. Ontario is going to have housing policies that are going to be proud. People are going to have a real choice next time.

After the eight years of abandonment of tenants and people who need help from that side of the House, and the irrelevant NDP, to real choice by a real leader with Dalton McGuinty, a real policy that Ontarians are going to be proud of. We're going to walk into the next election, and walk proudly with this and help tenants across this province.

BIODIESEL FUEL

Mr John O'Toole (Durham): A week ago the Minister of Energy, the Honourable John Baird, and our new Commissioner of Alternative Energy, the Honourable Steve Gilchrist, travelled to Halton region to announce an initiative in support of energy conservation, clean energy and alternative energy sources. I can tell you, as a member of the alternative fuels committee, I know the work they've done.

The host for the day was the Halton-based company called Biox. Biox Corp is a Canadian success story. It produces an alternative to petroleum diesel fuel and it is made from vegetable oil and animal fat. The product, called biodiesel, can be used in diesel engines without modification. You don't hear the big oil companies talking about biodiesel, and here's why: biodiesel is biodegradable, it's renewable, it's non-toxic and it's essentially sulphur-free.

Biox Corp is supported by a number of contributors and alliances. Contributors include Rothsay, one of Canada's largest renderers, the Ontario Soybean Growers' Marketing Board, and Trimac Corp. In fact, Biox's innovative work takes place inside the Trimac facility at Halton region.

Congratulations to Biox, Trimac Corp and to everyone who is involved in biodiesel, in making the oil companies stand up and take notice. In this context I want to commend Biox, the Minister of Energy and our Commissioner of Alternative Energy for the work they've done and will continue to do to make our environment cleaner for all the people of Ontario.

GROWING STRONG COMMUNITIES

Mr Dave Levac (Brant): I rise in the House today to speak on the newly released Liberal policy on improving Ontario communities, called Growing Strong Communities. Liberal Leader Dalton McGuinty, in consultation with many stakeholders across Ontario, released this policy that will make sure that Ontario communities work for the people, not against the people, of Ontario.

Statistics Canada stated that Ontario has lost 2.5% of its front-line police officers since the Harris-Eves government came into power in 1995. The Ontario Liberals are committing to placing 1,000 net new front-line police officers on our streets to fight crime and keep our streets safe. Ontario's probation and parole officers have a 70% higher caseload than the national average. This is putting Ontario people's families at risk and the Ontario Liberals are going to fix it. In our first term of office, we are committed to hiring an additional 100 probation and parole officers to correct this government's abysmal record on probation and parole staffing.

I am proud to announce that the Ontario Liberals have committed to assist our firefighters by ensuring that each fire service in Ontario is equipped with a thermal imager, that allows firefighters to see into dark places for trapped victims and into burning buildings. This is a necessary tool that will enable firefighters to find victims quickly and minimize the amount of time spent in a burning building. The Ontario Liberals value the dedication and commitment of firefighters, and that is why we will do what is necessary to provide them with the best tools possible.

Ontario Liberals have a plan to repair and improve Ontario's communities by introducing Growing Strong Communities, and I am proud to be a part of that plan.

1340

AUTISM

Mr Tony Martin (Sault Ste Marie): I rise today to let the House and the Minister of Community, Family and Children's Services know that I met on Friday with a group in my community, the Sault Ste Marie chapter of the Autism Society Ontario. They are very upset, frustrated and angry about the government's lack of support for services for that group of people. They're saying there was no funding and that the funding she announced last week was simply not enough. When you break it down across the province and look at the number of communities and the number of families and children who are in need, it's a paltry amount of money to be putting out there. They also say that continuing to stick to the age six tack is arbitrary and based on no science whatsoever.

They feel very strongly that the government has a responsibility. They say the government should listen to my colleague Shelley Martel, when she calls for autism to be moved into the health portfolio and for intervention for every child in this province diagnosed with autism to be automatically covered. They also ask the government

to pay attention to the court case in British Columbia, where the government was found to be in contravention of the Human Rights Act, and indeed of the Constitution, for refusing to provide immediate and needed services to children and families suffering with autism. That court told the government very clearly that it needed to provide funding and services. As a matter of fact, it went so far as to say it would fine individual bureaucrats if that service is not delivered. Your government is on the hook here and should be listening to that court finding and delivering to those people the services that are needed.

ENVIRONICS POLL

Ms Marilyn Mushinski (Scarborough Centre): It's not my normal practice to comment on public opinion polls, but one recent sampling did manage to catch my attention. I refer to a poll that was done for the TVO program Fourth Reading by the Environics Group. The poll found that Ontarians are questioning the Liberal Party of Ontario. It showed that more people trust the PC government led by Ernie Eves than the Liberals. This got me thinking. "Why would this be?" I asked myself.

First, I suppose, are the flip-flops that have characterized the Liberal leader. One day he is for shutting down Ontario's coal-fired generators; the next, as the Globe and Mail so eloquently put it on Saturday, the Liberal clean air plan is blown out of the water. According to the Globe, Dalton was the target of ridicule by members of his own caucus.

The people of Ontario recognize how hard it was for Finance Minister Ernie Eves to manage this province's budget after the 10 lost years of Liberal and NDP governments. They recognize that this government has created an economic environment of lower taxes and balanced budgets. The result has been the creation of more than one million net new jobs since our election in 1995.

We delivered on our promises to the people of this province, and our economy is stronger as a result. The poll result, showing distrust of the Liberals, marks the recognition that people understand that Dalton's shiny, expensive promises cannot be kept without tax increases.

ENVIRONMENTAL PROTECTION

Mr Mike Colle (Eglinton-Lawrence): Today there was a momentous announcement by Dalton McGuinty where he basically laid out a protective plan to ensure that all the Golden Horseshoe has protection, a shield whereby lands in Seaton will be protected, the 6,600 homes will not be built in the middle of the moraine and the Oakville Trafalgar moraine lands will not be given away to developers. We will put a line in the sand and make sure developers don't pave all the GTA and the Golden Horseshoe.

This morning, Dalton said, "Save, don't pave." This government has pretended to protect, when all they've done is given away sensitive lands to developers; that's all they've done. We are saying you need public transit.

That's why we're giving two cents on every litre sold to public transit, because without public transit you can't protect the environment. We are saying that we're going to have a greater Toronto transit authority to coordinate transit throughout the GTA to make sure it's done in a comprehensive fashion. Right now this government has abandoned transit. We are saying you can't save unless you have transit, so save; don't pave.

WHITE RIBBON CAMPAIGN

Mr AL McDonald (Nipissing): Today is the official launch of the 2002 White Ribbon Campaign to stop violence against women. Since the campaign began in 1991, men have been encouraged to wear a white ribbon at this time of the year as a personal pledge to never commit, condone or remain silent about violence against women. I and our government believe that ending violence against women is everyone's responsibility, so I am pleased to support this campaign.

Men are encouraged to reflect on this important issue and to talk to their friends about the problem of violence against women. We need more men to take an active role to ensure that women can live in safety and security in our province.

The government of Ontario is committed to ending violence against women. It is a commitment that is ongoing and unwavering. This government is spending more than \$160 million this year alone to address the issue of violence against women. This is more than any previous government.

The government of Ontario does not tolerate violence against women. We are taking a comprehensive approach to domestic violence that focuses on protection and prosecution, support for victims, and prevention and education.

While we've made progress on this issue, we know that more can be done. Preventing domestic violence is everyone's responsibility. We need everyone to be involved to make this a success.

Today I'm wearing a white ribbon. It is my personal pledge that I will not condone or remain silent about violence against women. To my colleagues, I urge that you make this commitment as well.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON ESTIMATES

The Speaker (Hon Gary Carr): Standing order 62(a) provides that, "The standing committee on estimates shall present one report with respect to all of the estimates and supplementary estimates considered pursuant to standing orders 59 and 61 no later than the third Thursday in November of each calendar year."

The House not having received a report from the standing committee on estimates for certain ministries on Thursday, November 21, 2002, as required by the standing orders of this House, pursuant to standing order 62(b) the estimates before the committee of the Ministry of Training, Colleges and Universities; the Ministry of Community, Family and Children's Services; the Ministry of Natural Resources; the Ministry of Public Safety and Security; the Ministry of Tourism and Recreation; and the Ministry of Enterprise, Opportunity and Innovation are deemed to be passed by the committee and are deemed to be reported to and received by the"—

Interjection: Dispense.

The Speaker: It was the last word, but dispense? Dispense—"House."

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Ms Marilyn Mushinski (Scarborough Centre): I beg leave to present a report from the standing committee on the Legislative Assembly and move its adoption.

Clerk at the Table (Ms Lisa Freedman): Your committee begs to report the following bill without amendment:

Bill 113, An Act to honour firefighters who have died in the line of duty / Projet de loi 113, Loi visant à rendre hommage aux pompiers décédés dans l'exercice de leurs fonctions.

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

INTRODUCTION OF BILLS

ELECTRICITY PRICING, CONSERVATION AND SUPPLY ACT, 2002

LOI DE 2002 SUR L'ÉTABLISSEMENT DU PRIX DE L'ÉLECTRICITÉ, LA CONSERVATION DE L'ÉLECTRICITÉ ET L'APPROVISIONNEMENT EN ÉLECTRICITÉ

Mr Baird moved first reading of the following bill:

Bill 210, An Act to amend various acts in respect of the pricing, conservation and supply of electricity and in respect of other matters related to electricity / Projet de loi 210, Loi modifiant diverses lois en ce qui concerne l'établissement du prix de l'électricité, la conservation de l'électricité et l'approvisionnement en électricité et traitant d'autres questions liées à l'électricité.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1350 to 1355.

The Speaker: All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Dunlop, Garfield	Murdoch, Bill
Arnott, Ted	Ecker, Janet	Mushinski, Marilyn
Baird, John R.	Elliott, Brenda	O'Toole, John
Barrett, Toby	Flaherty, Jim	Quellette, Jerry J.
Bartolucci, Rick	Galt, Doug	Parsons, Ernie
Beaubien, Marcel	Gill, Raminder	Patten, Richard
Bountrogianni, Marie	Gravelle, Michael	Peters, Steve
Boyer, Claudette	Hodgson, Chris	Phillips, Gerry
Bradley, James J.	Johns, Helen	Pupatello, Sandra
Brown, Michael A.	Johnson, Bert	Ramsay, David
Bryant, Michael	Kells, Morley	Runciman, Robert W.
Caplan, David	Kennedy, Gerard	Sampson, Rob
Chudleigh, Ted	Klees, Frank	Smitherman, George
Clark, Brad	Kwinter, Monte	Spina, Joseph
Clement, Tony	Lalonde, Jean-Marc	Sterling, Norman W.
Coburn, Brian	Levac, David	Stewart, R. Gary
Colle, Mike	Marland, Margaret	Stockwell, Chris
Cordiano, Joseph	Maves, Bart	Tascona, Joseph N.
Crozier, Bruce	Mazzilli, Frank	Tsubouchi, David H.
Cunningham, Dianne	McDonald, AL	Turnbull, David
Curling, Alvin	McLeod, Lyn	Wetlaufer, Wayne
DeFaria, Carl	McMeekin, Ted	Wilson, Jim
Di Cocco, Caroline	Miller, Norm	Witmer, Elizabeth
Dombrowsky, Leona	Molinari, Tina R.	Wood, Bob
Duncan, Dwight	Munro, Julia	Young, David

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Churley, Marilyn	Kormos, Peter	Martin, Tony
Hampton, Howard	Marchese, Rosario	Prue, Michael

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 75; the nays are 6.

The Speaker: I declare the motion carried.

The minister for a short statement?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): This important legislation puts Ernie Eves's action plan for electricity into law. It provides a rebate of every cent more than 4.3 cents that consumers have paid for electricity back to May 1. It provides some stability on price going forward to 2006. It also includes different measures for supply and conservation.

If I could, on a personal note, I have always tried to approach these important public policy issues in a non-partisan way, and I want to thank the official opposition for treating it that way.

Mr Howard Hampton (Kenora-Rainy River): On a point of order, Mr Speaker: I ask for unanimous consent for the minister to give a five-minute statement telling us about the provisions of the bill.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Mr Michael Bryant (St Paul's): On a point of order, Speaker: I listened closely to the statement by the minister and I ask you whether that constituted a minister's statement, for which we get five minutes to respond.

The Speaker: No, unfortunately it isn't. Members do get a little time, a short statement, and that was well within the bounds.

Mr Hampton: On a point of order, Speaker: I ask for unanimous consent for the Liberals give a five-minute statement about the bill.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

BACK TO SCHOOL ACT
(SIMCOE MUSKOKA CATHOLIC
DISTRICT SCHOOL BOARD), 2002

LOI DE 2002 SUR LE RETOUR
À L'ÉCOLE (SIMCOE MUSKOKA
CATHOLIC DISTRICT SCHOOL BOARD)

Mr Clark moved first reading of the following bill:

Bill 211, An Act to resolve a labour dispute between the Ontario English Catholic Teachers' Association and the Simcoe Muskoka Catholic District School Board / Projet de loi 211, Loi visant à régler le conflit de travail opposant l'Association des enseignantes et des enseignants catholiques anglo-ontariens et le conseil scolaire de district appelé Simcoe Muskoka Catholic District School Board.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1401 to 1406.

The Speaker: All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic
Arnott, Ted
Baird, John R.
Barrett, Toby
Bartolucci, Rick
Beaubien, Marcel
Bountrogianni, Marie
Boyer, Claudette
Bradley, James J.
Brown, Michael A.
Bryant, Michael
Caplan, David
Chudleigh, Ted
Clark, Brad
Clement, Tony
Coburn, Brian
Colle, Mike
Cordiano, Joseph
Crozier, Bruce

Ecker, Janet
Elliott, Brenda
Flaherty, Jim
Galt, Doug
Gerretsen, John
Gill, Raminder
Gravelle, Michael
Hodgson, Chris
Hudak, Tim
Johns, Helen
Johnson, Bert
Kells, Morley
Kennedy, Gerard
Klees, Frank
Kwinter, Monte
Lalonde, Jean-Marc
Levac, David
Marland, Margaret
Maves, Bart

Murdoch, Bill
Mushinski, Marilyn
Newman, Dan
O'Toole, John
Ouellette, Jerry J.
Parsons, Ernie
Patten, Richard
Peters, Steve
Phillips, Gerry
Pupatello, Sandra
Ramsay, David
Runciman, Robert W.
Sampson, Rob
Smitherman, George
Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.

Cunningham, Dianne
Curling, Alvin
DeFaria, Carl
Di Cocco, Caroline
Dombrowsky, Leona
Duncan, Dwight
Dunlop, Garfield
Mazzilli, Frank
McDonald, AL
McLeod, Lyn
McMeekin, Ted
Miller, Norm
Molinari, Tina R.
Murro, Julia

Tsubouchi, David H.
Turnbull, David
Wettlaufer, Wayne
Wilson, Jim
Witmer, Elizabeth
Wood, Bob
Young, David

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Churley, Marilyn
Kormos, Peter

Marchese, Rosario
Martin, Tony

Prue, Michael

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 78; the nays are 5.

The Speaker: I declare the motion carried.

The minister for a short statement?

Hon Brad Clark (Minister of Labour): I'll defer till ministers' statements.

MAN WHO WASN'T THERE ACT, 2002

LOI DE 2002 SUR LA PRÉSENCE
À LA PÉRIODE DE QUESTIONS ORALES
DES CHEFS D'UN PARTI RECONNU

Mr Kormos moved fist reading of the following bill:

Bill 212, An Act to amend the Executive Council Act and Legislative Assembly Act respecting an institution of democracy in the Legislative Assembly / Projet de loi 212, Loi modifiant la Loi sur le Conseil exécutif et sur l'Assemblée législative concernant une institution démocratique de l'Assemblée législative.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

The Speaker: The member for a short statement?

Mr Peter Kormos (Niagara Centre): Recently, Bill 21 received first reading in this Legislature, which has as its goal an effort to secure more regular attendance of the Premier at question period. We've made observations since November 21 that demonstrate that one official party leader has attended little more than 30% of question periods, while the other party leader has attended over 70%, even though his caucus only numbers nine.

This bill would amend the Legislative Assembly Act to ensure attendance of party leaders in the same manner as Bill 21 would require attendance of government leaders.

The short title of the act is the Man Who Wasn't There Act, 2002, although it has become known readily and rapidly as the Dalton, we hardly knew ye Act.

Mr George Smitherman (Toronto Centre-Rosedale): Mr Speaker, on a point of order: I seek unanimous consent to move and pass a motion without debate removing section 25 pertaining to the Pension Benefits Act from Bill 198.

The Speaker: There is no process to do that. What you would have to do if you wanted to amend the bill is ask for unanimous consent for the House to go to committee of the whole, at which time there would be a process to do it. There wouldn't be a mechanism if that motion passed to do it, so if the member wanted to and if that was the intent, he would have to move that this House go to committee of the whole right away to deal with it.

Mr Smitherman: Thank you for that clarification, Mr Speaker. I seek unanimous consent to move that the House go into committee of the whole to deal with section 25 of the Pension Benefits Act.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Mr Speaker, on a point of order: Always in an effort to entertain and accommodate the members opposite—

Mr Smitherman: I don't think it's funny.

Hon Mr Stockwell: I wasn't being humorous, Mr Smitherman. If we did go into committee of the whole to do this debate and the clock did continue to run till past 3 of the clock, would we be jeopardizing question period?

The Speaker: Yes, if we did.

Is there unanimous consent? I'm afraid I heard some noes.

VISITORS

Hon Jim Wilson (Minister of Northern Development and Mines): Mr Speaker, on a point of order: I would ask members of the Legislature to join with me in welcoming 52 members of the Minesing Good Times Club. They've come here for a good time, so I would ask all members—

Applause.

Hon Mr Wilson: Since they have come for a good time, could we at least behave today, folks?

The Speaker (Hon Gary Carr): We welcome our special guests.

STATEMENTS BY THE MINISTRY AND RESPONSES

TEACHERS' LABOUR DISPUTE

Hon Brad Clark (Minister of Labour): As members are aware, secondary school students with the Simcoe Muskoka Catholic District School Board have been out of class since November 4. They have endured rotating strikes since October 23 and a work-to-rule campaign by their teachers since September 24.

Bargaining between the school board and the union has come to a halt, leaving no end to this dispute in sight for students. As a result, the Education Relations Commission has advised that the continuation of the current situation will place the students' school year in jeopardy. It should be obvious to all members that the time to act is

now. We must ensure that these students' studies are not put at risk by a continuation of the strike. We must get them back to the classroom. That is why today I am introducing the Back to School Act (Simcoe Muskoka Catholic District School Board), 2002. This bill would get students back into the classrooms and ensure a fair settlement can be reached between the board and the union.

The government always prefers that labour disputes be resolved through the collective bargaining process. The best solution is a local solution, where the school board and the union achieve a mutually acceptable, fiscally responsible, negotiated settlement. We have given the school board and the union time to achieve such a settlement. Now the priority is to get the children's education back on track.

The bill, if passed by the Legislature, would provide a fair and balanced approach. It would get students back in their classrooms without delay. It would allow the school board and the union seven days to continue to negotiate a fair settlement or jointly agree to a mediator-arbitrator. If the school board and union are unable to reach a settlement or agree to a mediator-arbitrator within these seven days, the Minister of Labour would appoint an independent third party as mediator-arbitrator.

Until a new agreement is reached, the terms and conditions of employment would remain those that were in effect on the last day before the strike began. The mediation-arbitration process would begin within 30 days of appointment of a neutral third party, and a final award is to be made within 90 days of appointment.

The bill would also provide for maximum fines of \$2,000 for individuals and \$25,000 for the board or the union for non-compliance. Each day of non-compliance would be a separate offence.

We believe it would be best for the parties to reach an agreement and achieve a quick ending to their labour negotiations. We want school boards and their employees to be able to negotiate fair and reasonable contracts, but this must be done without jeopardizing the education of students.

Like parents, the government does not want the children's education further disrupted because of this dispute. We want Ontario's students to benefit from one of the best and most challenging curricula available and the assurance of quality provided by province-wide standards. That is why we are continuing to put students first by introducing the proposed Back to School Act (Simcoe Muskoka Catholic District School Board), 2002.

I call on all parties to also put the students of the Simcoe-Muskoka area first, as my honourable friends in the New Democratic Party did in 1993 with the Lambton County Board of Education and Teachers Dispute Settlement Act, the East Parry Sound Board of Education and Teachers Dispute Act, and the Windsor Teachers Dispute Settlement Act.

I would also encourage the Liberals to do the same as they did in 1985 with An Act respecting the Wellington

County Board of Education and Teachers Dispute and with the Wellington County Board of Education and Teachers Dispute Settlement Act, and in 1989 with an act respecting the Toronto Transit Commission labour disputes. It's important to note that when these bills were brought forth, there was all-party consent to get them passed.

I know the students in the Simcoe-Muskoka area want their schools to return to normal. Many of these 7,000 students are about to graduate from grades 12 and 13 and are now preparing to head to university or college. This is a crucial time for them, as the marks they receive now will help determine their future paths in life. We want these students in school, learning and growing.

I ask all members to support this legislation and allow it to proceed to second and third reading today so our children's education will get back to normal as soon as possible.

With that, I would ask that we get unanimous consent to proceed with this bill on second and third reading.

1420

The Speaker (Hon Gary Carr): Is there unanimous consent? I'm afraid I heard some noes.

Responses?

Mr Gerard Kennedy (Parkdale-High Park): We stand in the Legislature today with what is supposed to be a last-resort measure from the government, through the Education Relations Commission, when school boards and federations representing teachers can't arrive at agreements. But it is very important to remark here what the first resort of this government should and could have been to accommodate the students in Simcoe Muskoka, because this is just the latest: 136,000 days lost in Simcoe Muskoka, part of almost 25 million lost days under this government for students, three times as many days as the previous two governments combined because of the policy of turmoil and non-support for the school system that this government has made its breakfast and dinner when it comes to education policy. Every one of the students in Toronto and Simcoe and all around the province on average has \$1,200 less in support because this government deems them less valuable. Then they leave it to the boards and to the students and to parents to sort out where that hurt and that pain are going to be felt.

In some years we have had no increases in teachers' salaries and sometimes we have had instead some constraints in the system. They have put impossible choices in front of the boards and the teachers of this province and they have, in every instance, put paid to the title of this bill, or at least the subtitle: the interests of students last.

We have seen turmoil and fights incurred with teachers, with school boards. In fact, we see that last year this government has had such an impact on the teaching resources of this province—and that's how we need to start to regard the teachers that are part of this dispute—that we have 1,884 letters of permission from the government, letters that said that people who are not teachers

have to stand in front of the class and attempt to provide instruction to children. That's up from just 300 a few years before. Why? Because the policies of this government, the endless turmoil that they generate with their lack of support for the education system, are chasing teachers right out of the province and right out of the profession.

We say here today that it is vitally important that the province starts to awake to the implications. The Premier said to the boards of this province, "You should wait for us to provide more funding." Well, they've been waiting from the beginning of this year and there has been no additional funding coming forward—nothing apparently put forward by the member for Simcoe, nothing put forward by any of the members opposite—to see that there be some equitable funding.

In June of this year, Dalton McGuinty and I put forward a critical action plan. We said, "Don't give in to boards, don't give in to teachers; give in to students' needs," which is what we believe most of the people that are participants in this dispute today would like to see happen. This government had that opportunity. They could have reckoned with curriculum casualties, with the kids who were having very great difficulty passing courses.

We heard reference today to the double cohort. This may be the only thing this provincial government does on behalf of the kids in the double cohort, perhaps have them go back to school a few days earlier because, quite frankly, it's an absolute car crash that this government could have avoided in terms of providing for those kids in this year, trying to get their credits, trying to get into school, trying to get scholarships, trying to get spaces in colleges and universities, all courtesy of a government that has had a recipe for turmoil in our schools from day one. We see, just today, in front of us, the legislation that deals with just the most recent example of that.

This government has not had within it the ability to support publicly funded education. They have put their priorities forward and they have been for private schools. There has been a 54% increase in the enrolment of private schools. Four hundred public schools have closed, 200 private schools have opened, and the members opposite are proud of that effect.

We should not be surprised that we have in this Legislature yet another example of last-resort legislation, because there's no one opposite who will stand up for the average, everyday interests of students and the people who help make that system work.

Mr David Ramsay (Timiskaming-Cochrane): Legislating any worker back to work in this province is a very serious step, and I would have hoped that this government would have learned, from its experience in dealing with the Toronto garbage strike this summer, that they would have dealt with more sensitivity in dealing with the different parties involved in this, in looking at their choice of arbitrator. Several of the parties have put forward names, but unlike what finally happened in the

crisis dealing with the garbage strike, this government is adamant in not allowing the parties to come together and choose a mutually-agreed-upon arbitrator, but is going to appoint one in the end.

That's not the way to resolve these disputes. We should be working in partnership. This is a serious step to take, it's a tough step to take and we should make sure that all the parties are involved in this and that they can work together from the beginning to find an arbitrator who is acceptable to all sides, so we can get to a successful conclusion of this dispute.

Mr Peter Kormos (Niagara Centre): The Liberals support the government today by virtue of their vote on first reading. I tell you, New Democrats don't. Even the most cursory reading of this bill—take a look at subsection 10(5): "In appointing a mediator-arbitrator, the minister may appoint a person who has had no previous experience as an arbitrator, has not been previously or currently recognized as a person mutually acceptable, is not a member of a class of persons which has been or is recognized, who are mutually acceptable." Obviously, the only inference to be drawn is that the Liberals support that proposition as well.

Take a look at subsection 10(7), where there is no possible review of even the most un-neutral, the most biased arbitrator. Subsection 10(7) permits this government to appoint—it has been said before; let's say it again—Guy Giorno as the arbitrator. The appointment of Guy Giorno would not be subject to a review.

New Democrats do not support this legislation. New Democrats will not willy-nilly force teachers back to work. New Democrats believe in free collective bargaining and New Democrats condemn this government and, quite frankly, their Liberal collaborators for giving boards of education like the Simcoe-Muskoka board carte blanche, because the Simcoe-Muskoka board doesn't have to negotiate. The Simcoe-Muskoka board can go to the table week after week, time after time empty-handed, silent, not prepared to participate in active negotiation, knowing full well that at the end of the day this government is going to reach in and pull them out of the wringer.

New Democrats don't agree with the government; we don't agree with the Liberals. The Liberals agree with the government; they don't agree with us. I understand that. New Democrats are standing with the teachers in Simcoe-Muskoka. New Democrats are going to ensure that those teachers get a resolution that's fair, that's just, that reflects their interests. Indeed it's their interests, when properly responded to, that are going to improve the quality of education, not just in Simcoe-Muskoka but in every board of education jurisdiction in this province.

Mr Rosario Marchese (Trinity-Spadina): I want to add a couple of things and say that I congratulate the teachers from the Simcoe-Muskoka area for standing up against a very hostile board and a very hostile government. These are the lowest-paid teachers in the whole of Ontario. For the last 10 years they haven't had an

increase. For the last 10 years these are the heroes of our system, working with our students. Because we expect the best, we think they should be paid as fairly as the rest of the teachers across Ontario, and they haven't had an increase in 10 years. When you factor in inflation, it's less than zero per cent. That's not fair.

The minister stands up and says, if you can believe him, "We think the best solution is a local solution. How can they get a local solution when they're short of money to be able to negotiate fair agreements? You have, under your reign, not given the money they deserve to negotiate fair settlements. They are \$1 billion short of the money they need to be able to negotiate fair settlements. So how can you stand up and say the best solution is a local one, when you know without money they cannot ever have a local solution? You know that. They have been dipping into their reserve funds to balance their budgets. Reserve funds should not be dipped into to pay for ESL, to pay for librarians, adult education, music teachers, vice-principals, educational assistants, books—and the list goes on and on. They shouldn't be using reserve funds for those purposes.

Chris Stockwell puts his hand to his forehead like this, as the typical young adolescent that he is from time to time. What are you talking about?

Interjection.

1430

Mr Marchese: Teachers are looking for the fairness they deserve. We are telling you that the public needs to know that the problem is not with the teachers; the problem is with this government. The debate needs to happen in this place. Unless we do that, the public will not know, and they will take a position against teachers, I would say, unfairly. The fairness of the argument takes place in here. We will expose it. We will fight for the fairness that students and teachers need and we will make sure that will happen. We're not going to let you just come up here and say, "We will give unanimous consent so teachers can go back into the classroom, so they"—and Liberals, God bless, with their support. We're not going to let that happen. The debate will happen here, and fairness will take place in this Legislative Assembly.

VISITORS

Mr Michael Gravelle (Thunder Bay-Superior North): On a point of order, Mr Speaker: I'd like to introduce some very special guests that we have visiting from the Northwestern Ontario Associated Chambers of Commerce. In the members' gallery west we have Tannis Drysdale, the president of NOACC; Jon Christianson, the past president of NOACC; Mary Long Irwin, the president of the Thunder Bay Chamber of Commerce; and Debbie Schatkowski from the Kenora Chamber of Commerce. We welcome you.

Applause.

The Speaker (Hon Gary Carr): I thank the members.

DEFERRED VOTES

MUNICIPAL STATUTE LAW
AMENDMENT ACT, 2002LOI DE 2002 MODIFIANT DES LOIS
EN CE QUI A TRAIT AUX MUNICIPALITÉS

Deferred vote on the motion for third reading of Bill 177, An Act to amend the Municipal Act, 2001, the Municipal Elections Act, 1996 and other Acts consequential to or related to the enactment of the Municipal Act, 2001 and to revise the Territorial Division Act / Projet de loi 177, Loi modifiant la Loi de 2001 sur les municipalités, la Loi de 1996 sur les élections municipales et d'autres lois par suite de l'édiction de la Loi de 2001 sur les municipalités et révisant la Loi sur la division territoriale.

The Speaker (Hon Gary Carr): Call in the members. This will be a five-minute bell.

The division bells rang from 1431 to 1436.

The Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Ecker, Janet	Mushinski, Marilyn
Arnott, Ted	Elliott, Brenda	Newman, Dan
Baird, John R.	Flaherty, Jim	O'Toole, John
Barrett, Toby	Galt, Doug	Ouellette, Jerry J.
Bartolucci, Rick	Gerretsen, John	Parsons, Ernie
Beaubien, Marcel	Gill, Raminder	Patten, Richard
Bountrogianni, Marie	Gravelle, Michael	Peters, Steve
Boyer, Claudette	Hudak, Tim	Phillips, Gerry
Bradley, James J.	Johns, Helen	Pupatello, Sandra
Brown, Michael A.	Johnson, Bert	Ramsay, David
Bryant, Michael	Kells, Morley	Runciman, Robert W.
Caplan, David	Kennedy, Gerard	Sampson, Rob
Chudleigh, Ted	Klees, Frank	Sergio, Mario
Clark, Brad	Kwinter, Monte	Smitherman, George
Clement, Tony	Lalonde, Jean-Marc	Sorbara, Greg
Coburn, Brian	Levac, David	Spina, Joseph
Colle, Mike	Marland, Margaret	Sterling, Norman W.
Conway, Sean G.	Maves, Bart	Stewart, R. Gary
Cordiano, Joseph	Mazzilli, Frank	Stockwell, Chris
Crozier, Bruce	McDonald, AL	Tascona, Joseph N.
Cunningham, Dianne	McGuinty, Dalton	Tsubouchi, David H.
Curling, Alvin	McLeod, Lyn	Turnbull, David
DeFaria, Carl	McMeekin, Ted	Wettlaufer, Wayne
Di Cocco, Caroline	Miller, Norm	Wilson, Jim
Dombrowsky, Leona	Molinari, Tina R.	Witmer, Elizabeth
Duncan, Dwight	Munro, Julia	Wood, Bob
Dunlop, Garfield	Murdoch, Bill	Young, David

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Churley, Marilyn	Kormos, Peter	Martin, Tony
Hampton, Howard	Marchese, Rosario	Prue, Michael

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 81; the nays are 6.

The Speaker: I declare the motion carried. Be it resolved that the bill do now pass and be entitled as in the motion.

CONSUMER PROTECTION STATUTE
LAW AMENDMENT ACT, 2002LOI DE 2002 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LA PROTECTION DU CONSOMMATEUR

Deferred vote on the motion for second reading of Bill 180, An Act to enact, amend or revise various Acts related to consumer protection / Projet de loi 180, Loi édictant, modifiant ou révisant diverses lois portant sur la protection du consommateur.

The Speaker (Hon Gary Carr): Call in the members. This will be a five-minute bell.

The division bells rang from 1440 to 1445.

The Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Flaherty, Jim	Newman, Dan
Arnott, Ted	Galt, Doug	O'Toole, John
Baird, John R.	Gerretsen, John	Ouellette, Jerry J.
Barrett, Toby	Gill, Raminder	Parsons, Ernie
Bartolucci, Rick	Gravelle, Michael	Patten, Richard
Beaubien, Marcel	Hampton, Howard	Peters, Steve
Bountrogianni, Marie	Hudak, Tim	Phillips, Gerry
Boyer, Claudette	Johns, Helen	Prue, Michael
Bradley, James J.	Johnson, Bert	Pupatello, Sandra
Brown, Michael A.	Kells, Morley	Ramsay, David
Bryant, Michael	Kennedy, Gerard	Runciman, Robert W.
Caplan, David	Klees, Frank	Sampson, Rob
Chudleigh, Ted	Kormos, Peter	Sergio, Mario
Clark, Brad	Kwinter, Monte	Smitherman, George
Clement, Tony	Lalonde, Jean-Marc	Snobelen, John
Coburn, Brian	Levac, David	Sorbara, Greg
Colle, Mike	Marchese, Rosario	Spina, Joseph
Conway, Sean G.	Marland, Margaret	Sterling, Norman W.
Cordiano, Joseph	Martin, Tony	Stewart, R. Gary
Crozier, Bruce	Maves, Bart	Stockwell, Chris
Cunningham, Dianne	Mazzilli, Frank	Tascona, Joseph N.
Curling, Alvin	McDonald, AL	Tsubouchi, David H.
DeFaria, Carl	McGuinty, Dalton	Turnbull, David
Di Cocco, Caroline	McLeod, Lyn	Wettlaufer, Wayne
Dombrowsky, Leona	McMeekin, Ted	Wilson, Jim
Duncan, Dwight	Miller, Norm	Witmer, Elizabeth
Dunlop, Garfield	Molinari, Tina R.	Wood, Bob
Ecker, Janet	Munro, Julia	Young, David
Elliott, Brenda	Murdoch, Bill	
	Mushinski, Marilyn	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 88; the nays are 0.

The Speaker: I declare the motion carried.

Pursuant to the order of the House dated November 19, 2002, this bill is ordered referred to the standing committee on finance and economic affairs.

For the people in the gallery who have asked, we have one more deferred vote before question period.

LEGAL AID SERVICES
AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI
SUR LES SERVICES D'AIDE JURIDIQUE

Deferred vote on the motion for third reading of Bill 181, An Act to amend the Legal Aid Services Act, 1998 /
Projet de loi 181, Loi modifiant la Loi de 1998 sur les services d'aide juridique.

The Speaker (Hon Gary Carr): Call in the members. This will be a five-minute bell.

The division bells rang from 1449 to 1454.

The Speaker: All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

Amott, Ted	Hudak, Tim	Ouellette, Jerry J.
Baird, John R.	Johns, Helen	Runciman, Robert W.
Barrett, Toby	Johnson, Bert	Sampson, Rob
Beaubien, Marcel	Kells, Morley	Snobelen, John
Chudleigh, Ted	Klees, Frank	Spina, Joseph
Clark, Brad	Marland, Margaret	Sterling, Norman W.
Clement, Tony	Maves, Bart	Stewart, R. Gary
Coburn, Brian	Mazzilli, Frank	Stockwell, Chris
Cunningham, Dianne	McDonald, AL	Tascona, Joseph N.
DeFaria, Carl	Miller, Norm	Tsubouchi, David H.
Dunlop, Garfield	Molinari, Tina R.	Tumbull, David
Ecker, Janet	Munro, Julia	Wettlaufer, Wayne
Elliott, Brenda	Murdoch, Bill	Wilson, Jim
Flaherty, Jim	Mushinski, Marilyn	Witmer, Elizabeth
Galt, Doug	Newman, Dan	Young, David
Gill, Raminder	O'Toole, John	

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Di Cocco, Caroline	McLeod, Lyn
Bartolucci, Rick	Dombrowsky, Leona	McMeekin, Ted
Bountrogianni, Marie	Duncan, Dwight	Parsons, Ernie
Boyer, Claudette	Gerretsen, John	Patten, Richard
Bradley, James J.	Gravelle, Michael	Peters, Steve
Brown, Michael A.	Hampton, Howard	Phillips, Gerry
Bryant, Michael	Kennedy, Gerard	Prue, Michael
Caplan, David	Kormos, Peter	Pupatello, Sandra
Churley, Marilyn	Kwinter, Monte	Ramsay, David
Colle, Mike	Lalonde, Jean-Marc	Sergio, Mario
Conway, Sean G.	Levac, David	Smitherman, George
Cordiano, Joseph	Marchese, Rosario	Sorbara, Greg
Crozler, Bruce	Martin, Tony	
Curling, Alvin	McGuinty, Dalton	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 47; the nays are 40.

The Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

VISITORS

Mr George Smitherman (Toronto Centre-Rosedale): On a point of order, Mr Speaker: I hope that all members might join with me in welcoming the grade 11 students from Rosedale Heights, accompanied by Frank Rioux,

their teacher, a former political staffer here at Queen's Park.

Hon Brad Clark (Minister of Labour): On a point of order, Mr Speaker: Since the House is on a roll in voting together on issues, I'd seek unanimous consent to move second and third readings on our Muskoka school bill.

The Speaker (Hon Gary Carr): Is there unanimous consent? I'm afraid I heard some noes.

Hon Jim Wilson (Minister of Northern Development and Mines): On a point of order, Mr Speaker: I just want to introduce His Worship Mayor Rick Brassard, the mayor of Englehart.

Mr Mike Colle (Eglinton-Lawrence): On a point of order, Mr Speaker: Since we're on a roll here, as the Minister of Labour said, I would like to get unanimous consent to agree to the playing or singing of O Canada once in the Legislature every week as part of our proceedings.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On a point of order, Mr Speaker: Could we amend that to twice a week?

Mr Colle: Sure.

Hon Mr Stockwell: OK.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Just so we know as we continue on, we're right now at 3 o'clock. If we begin now, we can get the hour of question period in.

ORAL QUESTIONS

EDUCATION FUNDING

Mr Dalton McGuinty (Leader of the Opposition): My first question today is to the Minister of Education. Minister, it turns out that last week's Toronto public school board budget was wrong. The budget you celebrated as increasing funding to classrooms in fact did the opposite. It cut classroom funding by a full \$23 million. My question is, why did you tell Toronto parents their children would get more classroom dollars when in fact that funding will be cut by \$23 million?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I think the Leader of the Opposition has neglected to keep in mind what the point of the exercise was. What happened in Toronto was that the trustees refused to abide by the Education Act and pass a balanced budget. In response to the refusal of a small majority of trustees to not abide by the law, it became necessary for us to send in a supervisor.

I am very pleased to say that the supervisor's task was to balance the budget, and last week the supervisor did exactly that: he balanced the budget.

1500

Mr McGuinty: Minister, I assume you're agreeing now that in fact classroom spending is going to be cut by \$23 million.

Last week the Premier boasted, and I quote, "The supervisor has managed to increase [spending in] the classroom." That simply was not true.

Several months ago, when he first appointed supervisors in Ottawa, Toronto and Hamilton, he said classroom spending would not be affected. That is not true either.

The truth is that both in Toronto and in Ottawa you can't balance the books. You're short \$16 million here in Toronto. Our kids are continuing to pay the price as a result of your cuts to education. That means less money for textbooks, less money for special education programs, less money for computers, less money for teachers and assistants and on and on.

Madam Minister, will you now admit the truth: your supervisors' budgets are doing nothing less than further compromising our children's education.

Mr Gerry Phillips (Scarborough-Agincourt): Christie just lied.

Hon Mrs Witmer: For five years, the trustees on this board had the opportunity to use almost \$1 billion in transition funding in order to make a smooth transition to the funding model. Unfortunately, they refused to use the funding to do the necessary restructuring; they did not make the decisions; they did not pass a balanced budget; they did not obey the law. As a result of that, we sent in the supervisor.

Now, I think the opposition would agree with me that all of the programs they said were in jeopardy are there: the swimming pools, the heritage language and the parenting centres. All the things you said would be gone are still in place.

The other thing I can tell you is that spending, if we take a look at the classroom—

Interjections.

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up.

Mr McGuinty: Madam Minister, why not have the decency to admit that this entire business of taking over school boards and imposing supervisors has been an expensive, time-wasting charade. The end result has been further compromises to our children's education. You did not balance the budget in the city of Toronto. We're short \$23 million more this year when it comes to our children's education, and you're short \$16 million when it comes to balancing the budget.

This has been an expensive, time-wasting charade that is further compromising the education of our children. Why not have the decency to stand up and admit that this has been a terrible exercise? It has wasted money, it has been a fraudulent perpetration on our children, and it has done nothing more and nothing less than impose further cuts on their education.

Interjections.

The Speaker: Order. I'm going to ask the member to withdraw that comment, please.

Mr McGuinty: I withdraw the comment, Speaker.

Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation): On a point of order, Mr

Speaker: I heard the member from Scarborough-Agincourt say a moment ago, "Christie just lied." That is unbecoming—

The Speaker: Order. Take your seat. The member will know that he didn't say it about a minister. I listened very carefully. He did not indicate the minister. I would say this, however: I would ask all members to think before they make any comment.

The Minister of Education has the floor.

Hon Mrs Witmer: The Leader of the Opposition appears to be somewhat confused on this whole issue of whether or not trustees or boards should be required to balance their budgets, or whether they should be allowed to break the law. In fact, in September 2002, Mr McGuinty suggested trustees should be allowed to make their own decisions. Then he goes on to say that the school board does not balance the books—

Interjections.

The Speaker: Minister, take your seat. Come to order, please. Would the minister continue, please.

Hon Mrs Witmer: As I said, the Leader of the Opposition seems to be confused in his position. Then he goes on to say that if they do not balance the books, the Liberals would be "all over them like a cheap suit."

Do you know what? I can tell you about the budget. The budget was able to increase spending for classroom teachers, textbooks, classroom supplies and classroom computers. There were no school closures. There were more—

The Speaker: Order. I'm afraid the minister's time is up.

PENSION PLANS

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Minister of Finance. Minister, on Friday there was a landmark ruling in the Ontario Court of Appeal that protects employee rights when it comes to their pension surpluses. You will know that your omnibus bill is going to change all of that. You want to turn the tables and allow employers to raid pension funds of any surplus and keep it for themselves. We believe that is patently unfair. We believe that any decision regarding pension funds ought to be a joint decision involving the employer and the workers. Will you respect the unanimous decision of the Ontario Court of Appeal by withdrawing your changes to the Ontario pension law?

Hon Janet Ecker (Minister of Finance): I would agree with the honourable member that nothing should be allowing employers to raid pension plans. The proposals do not do that. We respect the fact that the court has made a decision, we respect the fact that that decision may have an impact on the amendments, and that's why we put out the statement on Friday to say that we will not proclaim those sections of the bill until we have analyzed the court decision thoroughly to make sure there is nothing in any proposals that is taking away any rights of pensioners in this, because that is not the intent nor is that the desire of the government.

Secondly, we will continue to do consultations on any proposed regulations, again to make sure that pensioners who have heard this debate, pensioners who may be concerned, can see and can feel fully confident that their pensions are secure.

Mr McGuinty: Madam Minister, do you honestly think that Ontario workers, people who stand to benefit in one way or another under a pension, are going to take satisfaction in knowing that you're going to take this away and somehow, under cover of darkness, you're going to make some kind of a decision that's going to respect their interests and their needs? Hardly.

The question everybody is asking is, why are you doing this? Last week, you were asked to name one single employee group that supports what you're doing, and you could not. You said you needed to ram this bill through the Legislature to keep pensions viable, but you can't name a single pension plan whose viability is at risk.

The highest court in Ontario has now told us that the surplus is something that should be shared. Your legislation is going to give employers the right to take the surplus away from the workers who have earned it, and it denies those workers any right of appeal. Minister, it's fundamentally not about workers, and it's not about the employers; it's about what is fair in the circumstances.

We believe that workers and employers should be making joint decisions when it comes to the future of their pension funds. We think what you're doing is fundamentally wrong. We think the right thing to do in the circumstances, Madam Minister, is to withdraw your changes to Ontario pension law.

Hon Mrs Ecker: Obviously the honourable member has not read the legislation or read the discussion paper, because the legislation specifically recognizes and requires in many circumstances that a surplus-sharing agreement between the employer and the employees is the preferred way to go. Absolutely we agree with pensioners on this issue. But we should also be very clear that if there is no change in the current situation of uncertainty that is causing people to go to court, that is causing groups to make applications for this, that there were circumstances where pension plans could be forced into putting surpluses out for employees, whether the plan was able to withstand that or not—now, maybe the honourable member thinks that is not something that the government should be concerned about. But I would think pensioners would want to know that decisions made about their pension plan are paying attention to the future viability of the plan.

1510

Mr McGuinty: Madam Minister, I have no idea what you're saying. What I know is what the Ontario Court of Appeal said—they were very, very clear—that workers have to be involved when it comes to issues dealing with the future of their pension funds. It is as simple and as straightforward as that. If you're looking for clarity on this, read the decision. The offending sections of your bill are going to affect hundreds of thousands of Ontarians

and millions and millions of dollars. There were 200 cases—that's 200 separate employee groups—awaiting the Monsanto decision. You want to pass legislation now that is going to take their rights away from them without giving them any right of appeal.

Your bill is wrong. It's wrong to trample on the rights of hard-working people and then unilaterally and retroactively change their pension rules. What you want to do now is that you're looking for us to give you authority to make changes under cover of darkness. This bill was wrong from the outset. The policy that informs it is wrong. It is patently unfair to Ontario workers. The only reasonable and responsible thing to do is to withdraw this change to Ontario pension law.

Hon Mrs Ecker: The honourable member seems to be ignoring the advice of many, many pension experts who have publicly stated that with the reduction in investment income that has hit many pension plans—a National Post article, for example; a study by Caldwell Securities—46 major Canadian companies with pension plans expressed the concern that there were underfunded plans out there—a Globe and Mail article; a UBS Warburg study—again, a warning that pension plans have to be very, very cautious about how they continue to function so they remain viable. Maybe the Liberal Party thinks the government should ignore that. On this side of the House, we believe steps should be taken to ensure that there is nothing that takes away the rights of pensioners, that legislation respects, encourages, supports employees making surplus—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

HYDRO DEREGULATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Energy. Minister, a quick review of your pre-election hydro bribe legislation reveals that Hazel McCallion, mayor of Mississauga, is right: you will stick the municipal hydro utilities with the \$500-million cost of implementing your hydro deregulation and privatization fiasco and you will stick them with the cost of sending out the rebate cheques, which means the only way they can recover this is by, in effect, putting it on to municipal property taxpayers. A \$500-million cost spread across property taxpayers in this province is \$100 per household. Do you really believe that you can bribe people with a \$75 cheque—

The Speaker (Hon Gary Carr): Order. The member has to withdraw the word "bribe." You're not going to be able to use that. Withdraw it, please.

Mr Hampton: I withdraw it. Minister, do you really believe that you can send out a \$75 cheque before the election and then force up people's property taxes to cover your tracks, and that people are going to fall for it?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I'd like to address both issues that the honourable member raised.

With respect to those costs to get the rebate out, we believe they should be recoverable from a corporation should the local distribution company get the rebate out by December 31, after the 2006 freeze.

With respect to the market-ready costs, they have not even begun to be determined by the Ontario Energy Board. I think some are rather modest, like in the case of Mississauga. Some are perhaps greater than they need to be. The Ontario Energy Board will make those determinations at some period of time in the future, as they were going to do, and they'll be held as assets.

So the leader of the third party is wrong on both of those.

Mr Hampton: What's clear from reading your legislation is that scam artists like Direct Energy will continue to collect their outrageous profits and get a rebate from the taxpayers of Ontario as well; that Hydro One won't be forced to operate on a not-for-profit basis; that Brascan, British Energy and OPG will continue to charge outrageous prices, but municipalities are being lined up to carry all the freight here.

Minister, there are a number of municipal hydro utilities that are already on the brink of bankruptcy thanks to your deregulation and privatization fiasco. Now you're going to stick them with more costs. Do you really think you're going to get away with this? Do you really think you can say to the Hazel McCallions of the world that they should just buzz off?

Hon Mr Baird: I don't think there is anyone in the province of Ontario who would indicate that to Her Worship, the Mayor of Mississauga.

With respect to Hydro One and the two examples you raised, both for the cost of getting rebates into consumers' hands and for the market-ready costs, we're going to treat Hydro One exactly as we treat every other local distribution company in Ontario. That is not any different.

I suggest to the member opposite that he might want to take more than a few moments to read the bill that was presented to the House. I'd certainly be very happy to offer him and his folks a briefing on the issues so he can be informed as to its contents.

Mr Hampton: There is nothing in this bill that will force Hydro One, for example, to roll back its transmission charges that are now profit-based. There is nothing in this bill that is going to force Direct Energy to fork over the 40% increase in hydro costs that they've pushed on.

For almost over a century, municipal hydro utilities have always paid their bills on time. Now, after your deregulation and privatization fiasco, Dominion Bond Rating Service last Friday came out and said that many of them are in big financial trouble. Now, in your attempt to cover up the disaster of hydro privatization and deregulation, you're going to push more costs on to them.

Why don't you just admit it? Hydro privatization and deregulation is the problem. Kill it, not the municipal hydro utilities.

Hon Mr Baird: The leader of the third party raises three issues, and I'll go through them one by one.

With respect to marketers like Direct Energy, under the piece of legislation we introduced, they are not entitled to a single cent more than they were entitled to before the legislation was introduced—not a single cent.

With respect to transmission charges at Hydro One, they have been frozen and they haven't gone up since the market opening.

With respect to local distribution companies, what we're doing is going back to the price of the commodity that existed before the market opening. I don't recall a single local distribution company going under on that former process.

PENSION PLANS

Mr Howard Hampton (Kenora-Rainy River): My next question is for the Minister of Finance. On Friday the highest court in Ontario, the Ontario Court of Appeal, delivered a clear and unanimous judgment. They said that under the existing Ontario Pension Benefits Act, a pension surplus must be distributed to employees affected by a plant shutdown and mass layoffs. Your government has tried to tell Ontarians that the existing pension law must be amended and clarified, but the Court of Appeal says it's very clear.

What is equally clear is that the whole objective of your offensive pension amendments is to give your corporate friends on Bay Street the capacity to go in and raid the pension plans of retirees and hard-working employees.

Now that the Ontario Court of Appeal has said clearly and unanimously that you are wrong and your pension amendments are wrong, will you withdraw them from Bill 198 immediately?

Hon Janet Ecker (Minister of Finance): I think it's very clear to note that the Monsanto court decision was about a particular circumstance. It was not a judgment on proposed legislation before this House.

However, we quite recognize the significance of this decision for workers. We quite recognize the fact that there is a great deal of concern among pensioners that something could happen to their pension plans that might jeopardize their rights. We do not wish this to happen. That is why we have said very clearly that those amendments are not going to be proclaimed. There needs to be further work done to ensure they are consistent with the court decision. If they're not, they will be amended.

1520

Second, any regulations that may or may not go forward will not go forward until there has been clear consultation, until all of the groups are very aware that their rights have been protected. This is about respecting those plans where there is, in the plan documents, old documents, new documents, where there is entitlement for—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up. Sorry. Supplementary?

Mr Hampton: What a pile of complete nonsense. The Ontario Court of Appeal interpreted the law of Ontario,

the Ontario Pension Benefits Act, and they said there's no need for clarification, there's no need for amendments. The law is clear: where there is a plant shut down and there is a pension surplus, it must be equally shared between employer and employees. They said that your amendments aren't necessary.

Let's recognize what your amendments are all about. Your amendments are all about making it possible for your greedy friends on Bay Street to take money away from retirees, to take money out of the pension plan of people who've worked for years and years. That's what it's about. It is theft from people's pension plans. If you had any decency, you would do what you've done in the past with some of your other budget bills: you'd amend it. You'd rip those sections out of the bill, because it is an insult to all hard-working Ontarians that you even tried to do this. Will you do it now?

Hon Mrs Ecker: This legislation respects the rights of employees. It does not allow employers to raid pension funds.

Secondly, let's be very clear. We have said we are analyzing the court decision. We quite understand the concern that pensioners may have. We want to make sure that pension plans, that the rights that pensioners have, that the earned benefits that pensioners have, are indeed protected. This legislation will respect the court decision or it will be amended.

Regulations under any sections will be thoroughly consulted on. We've got additional meetings scheduled. I repeat, as I've said in this House before, this is an issue that has been worked for over two years. The government was very open about the concerns and the problems, and consulted in order to try and resolve the issue. If we haven't got an appropriate resolution, we are prepared to continue to make sure we have a resolution so that pensioners' rights are respected.

EDUCATION FUNDING

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Education. Minister, I want to speak to you directly in your special capacity as the person particularly responsible for the kids in the Toronto public system. Last week you and the Premier said things like, and this is the Premier's quote, "First of all, money spent in the classroom has actually increased under the supervisor's recommendation." Figures were released to say there was a \$2-million increase. In fact, there was a \$23-million cut to the classroom.

Minister, you had to know. You have the staff; you have the supervisor's staff, the board's staff. They're all working for you now. You had to know. Your job is to protect those kids. For three days, until it was pointed out by somebody else, you let that be told to the parents and children of this province. How is it possible that you would forgo your responsibility and let a story like that get told to the parents and students of this city?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): The story that needs to be told is the fact

that a small majority of trustees refused to obey the Education Act. It was necessary to send in a supervisor, and the supervisor managed to balance the budget. All those programs that you said were going to be cut—the swimming pools, the heritage languages, the parenting centres—are still in place. Furthermore, there is more spending for classroom teachers, for textbooks and classroom supplies, as well as computers. There was also more money for hall monitors in order that there would be extra school safety. Those are the facts.

Mr Kennedy: They are wrong. The minister opposite, who is responsible for the well-being of children in the Toronto public school system, directly took it over, and last week the minister and the Premier said they were protecting the interests of those children by not having cuts to the classrooms.

Minister, you know then there were \$23-million worth of cuts. You tried to say just now the budget was balanced. In fact, there's a \$16-million deficit. You're not telling the people of this city what's happening in their schools. I want to say to you, as they have in fact fewer textbooks, according to the real figures, as they have less classroom support, less teachers' assistants, less supply teachers, why should anyone in this province in any of the schools believe you when you let this be on the public record for as long as it was when you clearly had the knowledge beforehand that things were different?

Hon Mrs Witmer: I guess the question is, why would anyone believe you? You were the people who talked about parenting centres—gone; heritage language—gone; swimming pools—gone. Instead, all of those programs were saved, plus there was a balanced budget plan, plus there is more money for classroom teachers and textbooks and classroom supplies, stabilized spending for special education, stabilized spending on school maintenance, stabilized funding for the itinerant music teachers, the preservation of the international language programs, and stabilized funding for the parenting and family literacy centres. This is the job that the trustees could do and refused to do.

Interjections.

SCIENCE NORTH

Mr AL McDonald (Nipissing): My question is for the Minister of Culture. I understand that on November 9 you were in Sudbury to announce this government's support for the capital expansion underway to improve the facilities at Science North. We all know that Science North is a very popular attraction in northern Ontario. In fact, you know that—

Interjections.

The Speaker (Hon Gary Carr): This is the last warning for the member for Parkdale-High Park and the member for Windsor West. If they continue to yell across when the question is being asked by someone else, they will be thrown out. Last warning for both of them.

Sorry for the interruption, member for Nipissing.

Mr McDonald: Minister, we all know that Science North is a very popular attraction in northern Ontario. In fact, you do know, and I was happy to hear, that Science North was the winner of the 2002 Attractions Canada national award for best indoor site with an operating budget of more than \$400,000. Science North has become famous for its visitor-friendly approach, which creates an environment that highlights learning over teaching.

Minister, could you tell us a bit about this expansion project?

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): I thank the member for Nipissing for that excellent question. I did have the pleasure of being in Sudbury to visit Science North along with my colleague the Minister of Tourism. We were able to announce a \$2.2-million investment over two years for the expansion of Science North. Science North will be looking for an 8,500-square-foot expansion to go to the educational and tourist attraction, as well as exhibit floors and science workshops.

I give my congratulations to both Jim Marchbank, who is the CEO, and Risto Laamanen, who is the chairperson, for the wonderful "bluecoats," as they are affectionately called, who make a visit to Science North a memorable learning experience. There are also volunteers there who are like bluecoats, as the member for Sudbury knows, 150 or 200 of them, some of them over 80, and some of them as young as 13 or 14 years old who plan to have careers in science and who make our experience there a wonderful thing.

Mr McDonald: Thank you, Minister. I also understand that in keeping with their entrepreneurial spirit and through their independent business division, Science North continues to market and sell their expertise in multimedia attractions, film production and program development. I understand that the recent IMAX film Jane Goodall's Wild Chimpanzees and the creation of Discovering Chimpanzees are both examples of this entrepreneurial spirit. Both of these exhibits have now moved on to Cincinnati and will tour other American cities and bring revenue back to Science North.

Minister, could you tell this House what future plans Science North may have for the people of Ontario to enjoy?

Hon Mr Tsubouchi: One thing that really struck me about Science North when I was there was the fact that they are quite a leader in innovation. This was brought home to me with some of the innovative projects they are doing in exporting our talent to the United States. For example, and this is quite ironic, at the Tech Museum of Innovation in San José, in the middle of Silicon Valley, Science North was hired to create this wonderful theatre of innovation in Silicon Valley. The same thing happened in the middle of car country with the Henry Ford Museum in Dearborn, Michigan. They were the ones asked to do this display on cars. What's really exciting is that they've got this wonderful exhibit called the Dynamic Earth project, at a cost of \$14.35 million, that

allows visitors to Sudbury to really engage in what Sudbury is all about—the mining community and the community itself—explaining it in a wonderful way to visitors. It's a wonderful project for tourists, and this is exceedingly good news for Sudbury as well.

1530

PENSION PLANS

Mr George Smitherman (Toronto Centre-Rosedale): My question is to the Minister of Finance, and it concerns Bill 198 and, in particular, the pension considerations. She has used the word "viability" so many times in trying to define this issue, when everybody but her seems to have understood that it's about state-sanctioned robbery designed to placate the business elite—

The Speaker (Hon Gary Carr): You have to withdraw that, please.

Mr Smitherman: Yes, I withdraw.

It is about state-sanctioned legislation that is designed to offer an incentive to corporations to take all of the surpluses out of pension funds. This honourable member, who ran around getting sports teams to sign off for \$10 million, has established a record that makes people very concerned about dealing with her, to the point where she refuted the suggestion that I made on Thursday about her flawed consultation, only to agree by Friday at 6:15.

So, Madam Minister, I'd like to ask you a question, which is: will you stand in your place today and agree to withdraw section 25 of Bill 198 because it is so deeply flawed?

Hon Janet Ecker (Minister of Finance): If the honourable member has read Bill 198, he knows that the tax to which he refers, the special treatment for sports teams, is not allowed to proceed under that legislation, so perhaps he might want to consider voting for the legislation since he seems to agree with the direction.

First of all, what the honourable member should understand is that some pension plans currently allow employers access to surpluses. One of the things this bill talks about in the proposals is that there has to be an application, there has to be entitlement, there has to be protection for the rights of pensioners. The plan itself has to have a surplus to distribute. I'm sure the honourable member would agree with that.

We understand that the court has ruled. We are taking a look at that court decision. We are making sure that anything this government wishes to do is clearly respecting rights workers have in this province, and we will continue to do that. I think it is only due diligence to do that.

Mr Smitherman: It would be nice if it were so, but it isn't, because the legislation you propose wipes out any of the rights that the Monsanto workers were awarded on Friday. If that isn't enough, it goes one rather significant step further, to make Ontario the only jurisdiction in North America that encourages the stealing of surpluses from ongoing pension funds, section 79.1.

So, Madam Minister, since you don't seem to understand your own legislation and since you didn't take the time over the weekend to read it and because you have admitted that it's probably way out of whack, why don't you do the honourable thing and withdraw it today?

Hon Mrs Ecker: Employers were not required to distribute surpluses in partial windup situations under the Liberals and under the NDP. But decisions have been made that have made it very unclear. What is important here is that we are looking at the court decision. We are not going to be proceeding with something that is flouting the rights of workers. We are continuing to sit down with all of the groups that are part of this, because this legislation does not, nor would we stand for something that would, allow employers to raid pension plans, to take away the rights of workers. That would not be appropriate and would not be fair. If the honourable member would like a full briefing on this, we'd be quite happy to give it to him.

HIGHWAY 69

Mr Norm Miller (Parry Sound-Muskoka): My question is for the Minister of Transportation. Minister, road safety has been improving in this province. In 1994, Ontario had the eighth-safest roads in North America; by 1999, we had improved to having the second-safest roads.

Sadly, tragedies do occur on our highways. There have been growing concerns, including those of our own Premier, over the safety and the stretch of Highway 69 between Parry Sound and Sudbury. This part of the highway has seen a number of tragic collisions and loss of life. The loss of even one life is one too many.

The Premier has committed to making this two-lane stretch of Highway 69 safer by expanding it to four lanes within 10 years. Will you tell us what you are doing to make sure this happens?

Hon Norman W. Sterling (Minister of Transportation): Our Premier is the first leader of any political party to make a commitment and commit to a time frame for four-laning Highway 69 to Sudbury. Road safety is a top priority in my ministry and our Premier announced in Sudbury on November 21 that we are working to complete the four-laning of Highway 69 from Parry Sound to Sudbury in stages. Starting in 2003, we will begin construction of 14 kilometres of four-lane highway north of Parry Sound. We are finalizing the design and acquiring property to allow construction of another 20 kilometres south of Sudbury. We're fast-tracking the schedule to complete four-laning of the 118 kilometres between Noble and Estaire.

When all is said and done, over \$1 billion will have been spent four-laning Highway 69, one of the largest transportation projects the government has ever tackled. We are proud of this commitment and the \$1.6 billion we have spent on highways in northern Ontario since 1995.

Mr Miller: Thank you, Minister, for restating that commitment.

There are many factors that contribute to collisions on our highways. We hear from police and other authorities that many collisions are preventable. I certainly appreciate that our roads are the safest in Canada for the second straight year, but any loss of life on Ontario's highways is a concern for us all.

People are concerned about what appears to be an increasing number of collisions and fatalities. What is your ministry doing in the shorter term to make it safer for those who drive on this highway?

Hon Mr Sterling: Unfortunately, we cannot build roads immediately. There are many, many things that we are doing in the interim to deal with the problem with highway use on 69. Over the past 13 years—that is, from 1988 to 2000—the overall average of the collision rate actually has declined slightly.

However, we continue to be concerned about fatal collisions. According to the police reports on Highway 69, in fatal collisions, some 27% involved drivers that were speeding, following too closely or passing improperly. We are helping to improve road safety through the implementation of our Highway 69 action plan, installing 50 new road signs to promote safe driving habits, increasing enforcement of commercial vehicles by 30% and short-term highway improvements to the S curve south of Highway 637. But we cannot do this alone; drivers must improve their habits. We will continue to look at methods to stop the fatalities that are occurring on Highway 69.

EDUCATION FUNDING

Mr Rosario Marchese (Trinity-Spadina): My question is to the Minister of Education. Evidently, the supervisor is allowed to carry a deficit of \$9.5 million over a three-year period for severance for all of the workers that he has either laid off or is firing. But the trustees at the Toronto Board of Education reminded me that there is a \$45-million account that's available for severance. My question to you is, why is he carrying over a deficit of \$9.5 million over a three-year period when there is \$45 million available for the purposes of taking care of severances?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I didn't hear all of the question, but I think it had to do with severance costs. I would just mention to the member opposite that the fact that the budget was balanced five months late into the year also meant that a possible \$9 million in savings was not able to be achieved, and that's why there is some carry-over.

Mr Marchese: If I could just suggest to you, Minister, because you couldn't hear the question, that you wear this little earpiece just in case.

My question to you is, he's allowed to carry over a deficit of \$9.5 million that deals with severance and another \$6 million that deals with enrolment decline, for a total of 16 million bucks. The board has available \$45 million for the purposes of severance. We don't know what the supervisor is doing with that 45 million bucks.

We think he's cooking the books. We think you should know about it.

Trustees were not allowed to carry over a deficit. Why is the supervisor allowed to carry that deficit, and why is he not using the \$45 million that's available for the purposes of severance to do that? It's a simple question.

1540

Hon Mrs Witmer: On the issue of the enrolment numbers, obviously the trustees were not aware that the numbers were going to go down. So that has had an impact on their bottom line and their per-student funding allocation. That's why Mr Christie has brought forward a plan that responds to a budget that is now being balanced five months later.

We are well aware of the severance fund. In fact, as the member probably knows, the trustees at one time thought they would have access to this in order to balance their budget.

The Speaker (Hon Gary Carr): New question.

Mr Richard Patten (Ottawa Centre): My question is to the Minister of Education. Minister, I'm sure you have learned by now that your appointed supervisor for the Ottawa school board, Mr Merv Beckstead, has been unable to balance the books. He says that the funding formula is to blame, and I quote from an interview he had on CBC radio: "A permanent fix for Ottawa's problem is unlikely until the government changes the funding formula...."

"It's very difficult to have a universal formula that works the same for everyone. The idea is sound but they didn't get it right the first time. Major shifts in policy like that—rarely are they ever right completely the first time."

So, Minister, I ask you, will you withdraw the supervisor and his very expensive office that has cost the board about half a million dollars—he has been unable to balance the budget—and will you apologize to the trustees who are now totally vindicated in their fight to do something for students for a change? Will you remove him?

Hon Mrs Witmer: We should probably review the actions of the trustees and be mindful of why it was necessary to bring in a supervisor. But certainly I think it's important to remember that the supervisor is presently preparing a plan that we anticipate will return the Ottawa-Carleton board to a balanced financial position, and I hope we'll receive that plan this week.

Mr Patten: I have a speech here from Mr Beckstead that he gave to the Greater Ottawa Chamber of Commerce. I note with some interest the title of his address: Challenges in Managing Funding for Public Education. It was subtitled "You Cannot Solve a Problem with the Same Thinking that Created It."

On Friday, Beckstead said that in spite of making painful choices, he could not find enough cuts to balance the board's budget, and the funding formula is to blame. "The province's funding formula did not work for Ottawa.... Only when that formula is changed can Ottawa begin to think of longer-term solutions."

Minister, you have said that there needs to be a review of the funding formula. It must be rather embarrassing now to have your appointee come back and say you have created the problem—not you, but your government. Will you do the right thing and make adjustments and provide adequate funding to these school boards in the interests of our children?

Hon Mrs Witmer: I think it's very important to remember what Mr Beckstead has been able to do. If you remember, when he was appointed as supervisor, the school year and the school starting date were all in jeopardy simply because the board had not selected to behave in a way that was in accordance with the Education Act. Mr Beckstead made sure that the schools opened safely and on time. The banks did not cancel the board's line of credit. Teachers and staff were paid. He is presently putting in place a plan for long-term financial stability.

The Speaker: New question.

Mr Toby Barrett (Haldimand-Norfolk-Brant): I also have a question for the Minister of Education. We in rural Ontario have certainly been following the work of the supervisor as he puts the Toronto Board of Education back on course. However, I understand that Mr Kennedy, the member for Parkdale-High Park, is apparently trying to confuse the budget numbers for the Toronto District School Board. Is this true, Minister?

Hon Mrs Witmer: Unfortunately, the methodology that has been used by Mr Kennedy is flawed. The supervisor's table compares net expenditures in 2001-02 to net expenditures in 2002-03, in other words, an apples-to-apples comparison. Mr Kennedy, on the other hand, has a table that compares total expenditures in 2001-02 to net expenditures in 2002-03, an apples-to-oranges comparison.

The net-to-net comparison used in the supervisor's table shows there were increases in spending for teachers, textbooks, supplies, computers and school operations. This method of reporting was not invented by the supervisor. All boards report to the ministry on both a net basis as well as a gross basis. So the methodology is flawed.

Interjections.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On a point of order, Mr Speaker: The member for Parkdale-High Park accused the Minister of Education of misleading them. I think that's out of order and I would ask he withdraw it.

The Speaker: If the member said something, he wasn't doing it publicly. I didn't hear it. I was trying to listen to the question. Quite frankly, I couldn't hear him because of you.

Interjection.

The Speaker: He can withdraw it any time if he wants to. I didn't hear it.

Mr Barrett: Thank you, Minister. That clarifies some of the flawed methodology of the member opposite. If one were to look at this budget in a clear way, could you

tell us just what it does, not only for students but for people in Toronto?

Hon Mrs Witmer: What this budget does—
Interjections.

The Speaker: Now I'm going to have to do it formally. Last warning to the government House leader as well. I'm not going to continue when you're shouting across. Sorry, Minister of Education.

Hon Mrs Witmer: Regardless of how you look at the numbers, the supervisor's budget has put the board back on a sound financial basis. He has been successful in finding \$90 million in savings. The programs that were in place when the supervisor was appointed, such as parenting, the literacy centres, the pools and of course heritage language, are still in place. The budget release has been transparent. The supervisor has not tried to disguise his savings plan; quite the contrary, he released nine pages of details on where the savings can be found. Again, I would say that Mr Kennedy's methodology is flawed. The method of reporting used by the supervisor is the same one the boards use to report to the ministry on a net as well as a gross basis.

PENSION PLANS

Mr Monte Kwinter (York Centre): My question is to the Minister of Finance. In answer to questions last week, you said, "There has been public consultation on this bill. There has been a public discussion paper, meetings and submissions." You went on to say, "This legislation is clearly there to protect the rights of pensioners."

After the Ontario Court of Appeal ruled on Friday that former employees are entitled to a share of pension surpluses, you have now decided not to proclaim parts of the bill pertaining to pensions while you conduct these same consultations on measures to ensure that the rights of pensioners are protected. The problem is that by not proclaiming this bill you solve nothing, because you're going to pass this bill and it's going to be law, other than the proclamation.

What confidence can anybody have that the same consultations that led to this disaster on your pension bill are not going to be repeated in these subsequent consultations when there is no public input? Would you now agree to withdraw that portion of the bill and have public hearings so we can at least get some real input to it?

1550

Hon Janet Ecker (Minister of Finance): With all due respect to the honourable member, sitting down and having a meeting with the Ontario Federation of Labour is hardly not having public input; sitting down and having meetings with some of the other groups, as has happened in the succeeding months and will happen in the future—he says that's not public input. I reject that. We are indeed going to sit down with all of the groups.

We're analyzing the court case. The portions of this bill that pertain to pensions are not going to be proclaimed until we have done due diligence with the court

decision, until we have finished further consultations to make sure they understand that their rights are protected.

If amendments have to be made in the future, we're prepared to do that, but I think what is important here is that this was started in the year 2000. There was a public discussion paper, there were many submissions from groups—employee groups, union groups, legal groups, employer groups—there have been meetings. Those consultations will continue until people's concerns are eased.

Mr Kwinter: Madam Minister, you went on to say, "This bill does not interfere with court cases that are going on. We specifically are not retroactively changing court decisions."

First of all, there was only one case, and that was the Monsanto case. You rolled the dice on that one and you lost. There were 200 cases that were pending that decision. You are retroactively going to wipe them all out, notwithstanding that the courts have ruled on the same issue that most of those cases are pursuing.

How can you possibly suggest that you are dealing fairly and equitably with this issue? Why don't you just withdraw this section? Let's have some public hearings and let's make sure we get it right, because obviously you didn't get it right the first time.

Hon Mrs Ecker: First of all, the legislation clearly exempts any case that is before the courts. We thought that was appropriate. We are indeed analyzing this particular court decision. It was on a particular case, a particular set of circumstances, but we're doing what I think is the prudent thing: to analyze that court decision to see what direction it would have for us.

The other thing is that there are cases before the superintendent. Yes, those are not before the courts, they are before the superintendent, and one of the challenges has been that because of the unclear direction that is there, there were circumstances that could have forced surplus distribution, that could have put some pension plans in jeopardy.

We will continue the consultations to ensure that pensioners' rights are indeed protected and that that is very clearly understood by all the organizations.

RURAL ECONOMIC DEVELOPMENT

Mr R. Gary Stewart (Peterborough): My question is for the Associate Minister of Municipal Affairs and Housing responsible for rural affairs. Minister, your hard work continues to improve the economic well-being of hundreds of thousands of rural residents. Ontario's small towns and rural communities have benefited enormously from our government's foresight and strategic thinking as it implements a variety of programs for rural Ontario. Indeed, rural Ontario could not have a stronger advocate working to ensure that its residents have the same opportunities for economic growth and prosperity as our urban residents.

Minister, I understand this past weekend you visited the Ottawa Valley to announce a major economic in-

vestment. Can you expand on your work and the investment you made on Saturday for the working people of Renfrew county?

Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing): I thank the honourable member from Peterborough. On Saturday, I was in Pembroke at the Renfrew county council chambers to announce a major economic development program for this area. This resulted from an innovative project that emphasizes the partnerships, skill sets and assets they have right across the county of Renfrew.

Our government, through the OSTAR-RED project, is investing more than \$1.8 million in the County of Renfrew Partners Initiative, or CoRPI. This is a \$4.1-million, public-private sector investment partnership that goes right across the county of Renfrew and creates 200 new jobs in tourism, manufacturing, agriculture and resource processing in Renfrew county.

It's a joint initiative between the Renfrew county economic development, the Renfrew Industrial Commission, the town of Deep River, the town of Petawawa, the Ottawa Valley Tourist Association, the Ottawa Valley Manufacturers Alliance and Enterprise Renfrew County, an innovative initiative.

Mr Stewart: Thank you, Minister. It's another example that partnerships do work. Partnerships will continue to move this great province forward.

This is outstanding news for the Ottawa Valley. This CoRPI announcement shows that we are indeed addressing the economic development needs of this region.

Minister, can you tell this House how this investment fits into our government's overall rural economic development strategy?

Hon Mr Coburn: The OSTAR-RED economic development program in rural economic development is an initiative, and that's where this project is funded. It's an initiative that enables partnerships, and in fact promotes partnerships, between municipalities and between businesses to capitalize on some of the technologies and initiatives they have in their communities. It's a \$200-million program that assists rural and small-town Ontario by promoting a diversified business climate and creating and retaining long-term jobs.

To date, there have been 48 projects approved. These projects are injecting \$308 million into new economic activity all across rural Ontario. Of this total, the province has contributed in the order of \$49 million in direct investment.

So there are success stories, from Essex county, Kingston, Midland, Trenton, and in Pembroke and Renfrew county—all across the province.

ONTARIO DISABILITY SUPPORT PROGRAM

Mr Tony Martin (Sault Ste Marie): My question is for the Minister of Community, Family and Children's Services. Minister, last spring you raised the hopes of people living on the Ontario disability support program.

You promised to review the program, look at ways to improve it and raise benefits for the first time in nine years. But almost six months later, we've heard absolutely nothing from you.

Here with us today are more than 20 people from the ODSP Action Coalition, who have done your work for you. They have put together a full report of the problems with ODSP and have made 10 practical recommendations that you could implement today.

People on ODSP are being forced to live in poverty. Thousands of others are even worse off because your application process makes it too hard for them to even apply.

Minister, will you stand in this House today and commit to implement the 10 recommendations given to you by the ODSP Action Coalition?

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I thank my colleague across the way for the question. He will know that our government has been committed for some time to do what we can to improve the lives of the disabled. It is our government that removed those who are disabled from the old welfare program and created the new ODSP plan, with a number of improvements that we think make lives easier for those who are disabled. It is also our government that introduced the Ontarians with Disabilities Act, one of the first in Canada.

My colleague across the way indicates that he has some ideas, on behalf of constituents, that he wishes for me to consider. I have indicated that our government is looking at doing what we can to improve the plan. Of course, as in any other situation when ideas are presented to our government on how to make plans or processes work better, I'd be more than pleased to receive those—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up. Supplementary. There was some time left.

Mr Martin: The answer was totally unsatisfactory. It's obvious that the minister hasn't read the report, so I'll send it over to her, if I could have a page here, please.

Minister—

The Speaker: I apologize.

Interjection.

The Speaker: Order. I apologize. It is 4 o'clock. I thought there was time on the clock, but unfortunately it's 4 o'clock.

Just before we begin, it being 4 of the clock, pursuant to standing order 30(b), I'm now required to call orders of the day.

The member for St Catharines on a point of order first.

Mr James J. Bradley (St Catharines): On a point of order, Mr Speaker: I'd like to request unanimous consent of the House to present a petition calling for the cleanup of the abandoned aluminum smelter in the town Georgina.

The Speaker: Is there unanimous consent? No, I'm afraid not.

Mr Gerard Kennedy (Parkdale-High Park): On a point of order, Mr Speaker: I'd like to raise my dis-

satisfaction with the answers provided by the Minister of Education. I have filed a notice with the Clerk for a late show tomorrow.

The Speaker: I thank the member, and if he could table the appropriate papers with the table.

WEARING OF RIBBONS

Mr John O'Toole (Durham): On a point of order, Mr Speaker: Earlier today the member from Nipissing, Mr McDonald, spoke rather passionately about the White Ribbon Campaign, which is a violence-against-women initiative. I'm seeking unanimous consent for members to wear the white ribbon for this significant event.

The Speaker (Hon Gary Carr): Agreed? Agreed.

1600

ORDERS OF THE DAY

TIME ALLOCATION

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move that pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle, when Bill 191 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill, without further debate or amendment, at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That, when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on second and third reading may, pursuant to standing order 28(h), be deferred; and

That in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Speaker (Hon Gary Carr): Mr Stockwell has moved government notice of motion 65.

Mr Rick Bartolucci (Sudbury): I stand to speak against any type of time allocation motion because in this instance, as in other instances, it stifles debate in this House and doesn't enhance the democratic process. In fact, it does not allow the general public, the people in Ontario, to have a say in the important bills that this government should want to be taking out to committee and to have input etc.

In this particular instance, this bill is important. The act itself, Bill 191, is a good piece of legislation. In the words of Brian Atkin, the president of the Ontario Provincial Police Association, "Lives could be saved by having this bill introduced as law." For that reason, I as a

member representing the people of Sudbury will be supportive of the legislation. Our Liberal caucus said, on first reading, that we would support the legislation.

The problem we have with the way the government has been doing business lately is that it's stifling critical debate on a number of very serious initiatives. If the government were able manage its time better to allow bills to go to committee, to allow for a more democratic process to take place, I think we could be passing a lot more bills that would enhance the safety of children in this province, the safety of police officers and the powers of the police to execute their duties more diligently and with less restraint.

I think of some of the private member's bills I've introduced—for instance, Bill 24, the Municipal Amendment Act, with regards to adult entertainment parlours—and how children could be exploited because they haven't passed some of the arguments I put forth in Bill 24. I think of other bills—Bill 47, the Highway Traffic Amendment Act (Driving While Suspended); I don't think the fines are strong enough for people who drive while they're suspended.

I'm going to the launch of the red ribbon campaign on Friday with Action Sudbury. Again, I'm going to say that I've tried to get the government to pass Bill 47, but they refuse to pass Bill 47.

As winter approaches, in northern Ontario in particular, I think of Bill 119, which is my studded tire bill. I'm concerned that this government continues after four years to be reluctant to pass meaningful legislation that will potentially save the lives of police officers who have to drive on inferior winter roads because of a privatized maintenance program that is at best flawed and, in the real-case scenario, lousy in most parts of the province.

I think of Bill 128, the highway memorials act, that I've introduced. It may be a mission of mine and of the constituents whom I represent—but tragically, we lost two police officers. One was hit after putting down a spike belt—Sergeant Rick McDonald—and one, as we all know in this House, was brutally executed by two killers. It's a goal of my community to ensure that we have overpasses named after them. So we, with me as their voice, will continue to fight with regard to the passage of this bill so both Joe and Rick will know that they will be forever remembered by not only the people of Sudbury, but also by people who are passing through our great city, our wonderful city—and they find out that—do you know what?—there are these two memorials named after these two very, very fine police officers who died tragically way too early in their careers.

I think of Bill 136, the Highway Traffic Amendment Act, with regard to having police officers inspect motorcycle helmets. That's a very, very significant piece of legislation which will certainly allow police to do their job properly and very effectively in a short period of time.

I would suggest to the government that it would be in their best interests to ensure that they manage the time of the House a whole lot better, and that way, we'd be able to get a whole lot more debated.

The Acting Speaker (Mr David Christopherson): The floor is open for further debate.

Mr Michael Prue (Beaches-East York): I rise today to speak in favour of what the bill says and against, again, another closure. Here we are—almost every single bill this particular month, every single bill in this session of the Legislature, is ending by closure. No matter whether the bill is a good one or a bad one, it seems to end up in the same way: the government rams it through at the last minute without listening to the people and to debate. In fact, this debate probably would not have been necessary had the government been a little more open and honest in some of its other bills and allowed for the other bills to have the full limit of debate they needed and not pushed issues like this up against the wall so that we're here on a third day debating a bill that I'm sure every one of us in this room will probably end up voting for.

This is a bill, after all, that seeks to protect police and emergency personnel on our roads, who are out there with the express purpose of trying to save lives; people who are out there in accident situations, people who are out there pulling over careless drivers, people who are out there in ambulances, people who are out there in fire trucks, people who are out there trying to do what they can for the people of this province, sometimes in very hazardous circumstances, sometimes in slippery, wet, snowy and icy circumstances, where we should all hope that drivers would all show just a modicum of caution.

So of course it is important to pass this kind of legislation. In fact, this legislation does exist in other provinces and in states in the United States. No one can deny that the intent of the bill is a good one. No one can deny that asking motorists to slow down in what potentially is a dangerous situation is a good idea. No one can deny that the bill, in allowing motorists, where it is feasible, to stop—who actually stop their car either hopefully to come to assistance, but even if they don't come to assistance, just to stop their car so that it will make it easier for the enforcement and emergency people to do their jobs correctly—that they be allowed to do it.

1610

One can ask, and I guess I've asked myself this question, why don't ordinary drivers do this anyway? Why don't ordinary drivers, when they see a difficult situation, when they see flashing red lights, instinctively and normally either slow down or stop in order to accommodate the men and women who are out there working to try to protect the lives and safety of motorists and pedestrians and the ill and the disabled and those who are on the sides of our roads? I don't know the answer, but quite frankly, we see it almost every day. In and around the city of Toronto where I'm wont to drive, especially in the periods when school is in session, one often sees school buses stopped at the side of the road with the stop signs coming out the side of the bus, with the lights flashing, and you see ordinary, otherwise careful drivers—I guess they're late for work or whatever it is or late trying to get home or trying to go about their everyday business—

passing these buses. It is a very, very dangerous situation. We believe that something needs to be done in order to protect everyone.

I looked through this bill and some of the aspects of the bill are good because if the drivers can't slow down using their own common sense, which tells them they should be slowing down in slippery or icy conditions or around accidents where there are ambulances and fire trucks and police officers and all those things, if they do not have the sense to do that, well, I guess they're going to end up being fined. The fines here range from \$400 to \$2,000 for a first offence, and if anyone doesn't learn from that first offence, the fine the next time around is quite a bit steeper at \$1,000 to \$4,000 for second and subsequent offences—with two kickers. One is, you can get up to six months in jail as well, and as well, you can lose or have your licence suspended for a period of time.

Drivers should know how to do this already. This bill should, in reality, not be necessary, but I would suppose that there are people out there who, for whatever reason, are distracted, people who are out there who do not obey the simple rules of the road, people out there who are more than happy, more than willing or more than uncaring to put lives at risk.

Our police and emergency personnel have very dangerous jobs. They have jobs where they often put their lives at risk. Their lives are not so much at risk, although they are from time to time, in a shootout that one would see in Hollywood, and their lives are not so much at risk in ordinary situations around the office, but their lives are at risk when they are on the streets and roads and highways of our province. They are very often at risk when they are attempting to do work where the weather conditions are tough, where they're bad, where the roads are slippery or icy. We need as a society to ensure that their jobs are made just a little bit less risky. We need to make sure that the job for which they are hired and for which they are paid is made just that much easier so that they can do those jobs, so that they can get the traffic flowing, so that they can get the sick and the injured to hospitals, so that they can put out fires or car fires or whatever is adjacent to the street. That is why it is important, I would suggest, that this bill be passed.

The failure of the bill, and it's not enough for me to vote against it, is that it is confined in all of the sections to flashing red lights. I would draw the members' attention to section 159.1 of the bill, which reads, "upon approaching an emergency vehicle with its lamp producing intermittent flashes of red light that is stopped on a highway," and goes on. In section 159.2 it says the same thing again: "upon approaching an emergency vehicle with its lamp producing intermittent flashes of red light that is stopped on a highway with two or more lanes." It is confined to those vehicles except school buses that have red lights. There are many other vehicles and workers who need to be protected as well, and I do not know the rationale of why they are not being protected in this legislation, which I am sure would get swift all-party approval.

There are many workers who deal with emergency situations, who drive vehicles that have other coloured lights; that have orange lights that would show caution; that have blue lights to show they are highway vehicles clearing snow or dangerous debris. I do not understand why we are not seeking to protect them as well. It is granted that they may be moving vehicles and may not necessarily be stopped on the side of the road, but they have nothing with them except the lights with which they are equipped. So if you have a snowplow, for example, which is on the side of the road, perhaps helping a motorist who is stranded during a snowstorm and has gone off the road, or any other type of semi-emergency vehicle with orange lights, they can be stopped at the side of the road doing what they are supposed to do, as good Samaritans, to help clear up the emergency situation, and they are not covered by the ambit of this law.

I think the only failure of the law is that it treats our people in different categories. They are there to do the same kind of dangerous work, they are there to keep the traffic moving, they are there to help the injured and the sick, they are there to get rid of whatever problem is causing the tie-up, yet the workers from those vehicles are not being treated in the same way that we are treating our police officers, our fire people and our ambulance crews. I would suggest that they need to be protected in much the same way. Their lives are every bit as important to all of us as those of our emergency personnel. Their lives are important to themselves and to their families, and they need to be protected in the same way.

Obviously, since this is going to closure, it's far too late for us to move an amendment or to suggest that this be done, but I would suggest to the members opposite that the time has come as well to protect all of the people of Ontario in these dangerous situations, all of the people who are employed either by the province or the municipalities or by the federal government to do the kind of work that is done out there on the roads. In fact, with privatization there are also many private people—private snowplow operators, for example—who are out there as well. We need to protect those workers, those people who are called upon to do extraordinary things when we get huge snowfalls, those people who are asked to go the extra mile on behalf of all of us. We need to protect them as well. This bill does not do that, and this bill should have done that.

I would ask all the members of this House, either in the next session, when this can be brought back, or in a subsequent Parliament, whichever party is in power, to turn our minds to that important aspect of what is fair for the workers in this province. I would suggest that what is fair for the police, the firefighters and emergency vehicles is fair for everyone and that the subsequent law should be amended to include them all. As I said, this is a very good first step and I am pleased to be able to vote to make life safer for at least one small group in our society.

As they become travelled, our roads increasingly produce many problems, many accidents. We have heard repeatedly from the member for Sudbury and others—

and even today on the government side—about the carnage that takes place on Highway 69 leading to Sudbury. We know of other highways throughout this province where there are a huge number of problems. Surely the people who are out there trying to save lives, trying to make sure the highways remain passable, deserve our respect and our support.

With that, I am going to yield the floor. My colleagues will be speaking for the balance of our time. I thank you for an opportunity to speak to this bill.

The Acting Speaker: The floor is now open for further debate.

1620

Mr Wayne Wettlaufer (Kitchener Centre): I do appreciate the opportunity to be able to stand and speak on this important piece of legislation. It's unfortunate that the government had to move time allocation again, but I think we have to accept the fact that all of the workers involved, affected by this legislation, want this to pass right away. They want it to pass immediately, whether they be police officers, firefighters or other emergency workers who are so vital to keeping this province safe.

Just last week, as did a number of other members of the Legislature, I had some members of the Police Association of Ontario in my office. One of the items that was high on their agenda was this piece of legislation. They raised it in such a manner as to impress on me the urgency for it to be passed. They said, "Can't you move forward on this right away? Can't you get the other parties to agree with it?" I said, "The other parties do agree in principle but, for whatever reason, they're dragging their feet on allowing us to pass it." They said, "Get it done right away. We can't have any more cops die."

I'd like for a moment to recognize two members of the House who have been very instrumental in bringing Bill 191 before this House. One is my colleague Frank Mazzilli, the MPP for London-Fanshawe, who is a former police officer himself. He introduced a private member's bill that was the catalyst for this piece of legislation. I believe we owe Frank Mazzilli, the member for London-Fanshawe, a vote of thanks. The other member was my colleague the Honourable David Turnbull. He laid the groundwork for this legislation during his time as Solicitor General. He too deserves our thanks.

Over the past six years a number of Ontario Provincial Police officers have lost their lives while performing their duties, while patrolling the province's highways. We cannot and we will not forget them. We will not forget their efforts on behalf of the residents of this great province. Their names will live forever on the walls of the police memorial that stands just outside this building. But we also owe it to these fine officers and the thousands of others like them who go to work every day to protect us, the citizens of the province, not knowing what the next shift, the next hour will bring, to pass Bill 191.

They accept that their job is dangerous. They knew that when they applied to become police officers or

firefighters or emergency workers. But that doesn't mean that we should put these fine people at risk needlessly.

I have a few statistics to emphasize just how important it is that this House unanimously pass Bill 191 today. Between 1998 and 2000, 78 parked and/or stopped ambulance, 69 fire and 819 police vehicles were involved in motor vehicle collisions in Ontario. Nine police vehicles were involved in fatal collisions, 237 emergency vehicles were involved in collisions that resulted in injuries and 720 vehicles were involved in collisions that resulted in property damage only. They could have resulted in injury or death. These are sobering statistics.

The legislation has the support, as I said earlier, of every organization whose workers will be affected. Little wonder. These outstanding men and women deserve our support and our protection.

Everyone who uses our provincial highways will benefit by passage of this bill because we all benefit when these hard-working workers—police, emergency workers and firefighters—are able to concentrate on their task at hand.

I would like to remind the House that this government has been at the forefront, we've been the leader, in supporting our police officers, firefighters and other emergency workers. We've given them the tools that they require to do their jobs.

Since 1995, as a government we have invested more than \$68.2 million in the community policing partnerships program to put an additional 1,000 officers on the streets of communities across the province. I read on the weekend that Dalton McGuinty, the leader of the Liberals, advocates adding 1,000 additional members to the police officers across the province. Welcome to the real world, Mr McGuinty; we've already done that.

He also advocates doing other things. In British Columbia they have a saying, Speaker. I know you've heard this. They say they don't have a climate, they have weather, and if you don't like the weather, wait a minute. Well, if you don't like the Liberals' policies, wait a minute; they'll change.

Since 1995, we have also doubled funding for Reduce Impaired Driving Everywhere, the RIDE program, to \$1.2 million annually to get impaired drivers off our roads.

We've given municipal police services in Ontario \$11 million through the municipal police service technology grant program over the past two years to develop information exchanges and purchase hardware that will enable them to share information electronically with each other and with other justice system partners.

We've invested more than \$2 million through the Youth Crime and Violence Initiative to help police fight youth crime.

We've provided more than \$6 million in funding to expand the Ontario Police College and Ontario Fire College so they can provide specialized training.

We've invested \$1 million to provide protective equipment to first responders that will protect them against chemical, biological, radiological and nuclear mishaps.

We've introduced the CERV Ontario program, whereby volunteers become members of emergency response teams in their local communities, thus allowing full-time police, firefighters and other emergency personnel to deal with more serious situations. We are targeting retired police officers, firefighters and other former emergency services personnel so communities can call on these people to support their local police officers, firefighters and emergency personnel.

It's indicative of what our government has done to support these people. The Liberals will say on one hand it's not enough; then, on the other hand, they'll say it's too much. As I said before, if you don't like their policy today, wait until tomorrow; it'll be something else.

In closing, I'd like to remind all members that by passing Bill 191 forcing drivers to slow down to a reasonable speed or, where it's feasible and safe to do so, to move to an adjacent lane, we are protecting those whose job it is to protect us. I know the members of the NDP agree with that. I can see them nodding their heads. The Liberals, we don't know. I encourage all members of the Legislature to support this legislation.

I want to point out that we cannot wait until another police officer, firefighter or emergency person loses his or her life. It shouldn't take the death of another one of those emergency personnel for this House to realize the seriousness of this bill. These people are very valuable to us.

I say let's put a stop to these needless deaths now. Let's pass this legislation. Let's do it unanimously. Let's not stand up with all the rhetoric and hyperbole you're so used to using over there. Stand up and support this; get on with it so that the police, firefighters and the emergency personnel of this province feel we're doing them a service.

Mr Dwight Duncan (Windsor-St Clair): I will vote in favour of this bill, as I voted in favour of Mr Mazzilli's bill, as I've voted and supported it for a long time.

Let me just again remind the public what this does. It basically will require, under the Highway Traffic Act, if there's an emergency vehicle pulled off to the side of the road with its lights flashing, moving into the next lane and slowing down as long as the conditions are safe. This should have been passed probably five years ago and the government just hasn't seen fit to do it. Let's remove the hyperbole and let's just say what this is: it's an amendment to the Highway Traffic Act that I think all three parties support.

1630

What's amazing is that this government didn't do it four or five years ago. They talk a good game on a number of issues related to crime and safety. They thought this province needed 1,000 more police officers; they got it half right. We need still another 1,000, and we need more prosecutors. So again, they like to talk a good game.

I'll remind the member opposite who debated here and spoke about the substance of the bill that we're not dealing with the bill in this debate; we're dealing with

time allocation. We're dealing with the government's desire to stop debate, to jam things through on a bill that all three parties in the House support. You could have had it a month ago. You could have had it five years ago. Why didn't you? Because you don't know how to manage the House, not to mention the affairs of the province of Ontario. That's why we're here tonight. That member from Kitchener can't run this House any more than his colleagues can.

Is this something unique, all these time allocations? Well, let's have a look at the record, because we do have a record. In 1999-2000, that government, in the first session: 22 bills under time allocation, 19 at second reading, for 86%; time allocation motions prohibiting committees, 45%; time allocation motions prohibiting third reading debate, 4.5%.

Let's look at the record of the Eves government: number of bills introduced at first reading, 16; the total that have been passed so far, six; number of bills passed with time allocation, five of those six. That's 83% time-allocated. That compares to Mike Harris's record of 70% with no third reading. He's even worse than Mike Harris.

What I think makes this particularly humorous to all of us in the opposition is the fact that we're time-allocating bills that everybody agrees to. And no, we don't want to delay them.

Why don't we have hearings on the budget bill? They don't want that. They don't want to do that.

Mr Dave Levac (Brant): It's faulty legislation.

Mr Duncan: It's faulty legislation. They don't want to talk about pensions in here. They don't want to do that. They flip-flopped on Friday, acknowledged the errors of their own bill, and he has the nerve to stand up and accuse us of that. Well, that's crazy and you're not going to get away with it, just like you haven't gotten away with it up until now. I don't want to hear about a government that can't manage its legislative agenda, because we know they can't manage the affairs of this province.

What about the Taxpayer Protection Act? We have a bill before us that was time-allocated on Thursday, that is, cut off debate, no third reading, no committee hearings. What did that bill do? It undid their own balanced budget legislation that was the centrepiece of their first term here in office. They simply got rid of it. They changed their mind. They took a different position. They said they couldn't afford the tax cuts, which is what we said all along.

What about hydro? For four years they advocate a policy, and in one fell swoop, gone.

But again tonight, this evening, this afternoon, we are speaking about time allocation. That's a fancy parliamentary term for stopping debate, for not allowing duly elected members the opportunity to address a piece of legislation—

Interjection: Killing democracy.

Mr Duncan: —killing democracy on something that should be relatively simply.

I spoke about the record of the Harris government. Let's look at other governments.

The Rae government had a great record on time allocation compared to either the Eves or Harris government. They used it only 11% of the time. Governments run into difficulties and, understandably, from time to time, time allocation will have to be used. It's a respectable number.

The Peterson government: 2.1% of the time. Of 183 bills passed, four of them were passed using time allocation.

So far in the Eves government, we're up to 83%. What's more insidious about it, in the time allocation motions—and that's what we're debating tonight, is a time allocation motion. As much as the member for Kitchener would like to talk about the bill and our police officers, he can't. We're talking about time allocation, and in this motion they will not allow committee hearings, they won't allow third reading debate—crazy.

That's why this institution is in such disrepute, because we don't want to talk about the important things. We time-allocated Bill 198 on Thursday, the bill that allows the government to allow employers to go in and take surpluses out of employees' pensions, without even consultation with those employees. We shut down debate, we prevented third reading debate, we allowed no committee hearings, and what happened on Friday? The Supreme Court of Ontario said, "You got it all wrong."

How did the government respond? The government responded by saying, "We won't proclaim the offensive sections of the act." Let me be unequivocal: I don't believe them when they say that. They will proclaim those sections of the act when this Legislature is not sitting, when there's not an opportunity to hold the government to account, late in the day on a Friday afternoon. That's been their record historically.

We're faced again this evening with time allocation. I would like to have some more time. I'm restricted because of the number of members in our caucus. I'd like to speak more about our police services, our fire services and our paramedics and ambulance workers. I would like that opportunity. If we were actually debating this bill, we would be afforded that opportunity, and more members of our caucuses would be afforded that opportunity.

I'd like to say that Dalton McGuinty and the Ontario Liberals made a commitment today to add 1,000 additional police officers across this province when they form a government next year, and 50 additional crown attorneys to deal with the increase in backlogs in our courts of justice.

I would like to have that opportunity. Unfortunately, I won't be able to. Most of last week, we spent our time debating time allocation, closure, cutting off debate.

I support this bill. I supported Mr Mazzilli's private member's bill. I support the concept. What I don't support is a government that can't manage its legislative agenda any better than it manages the affairs of this province. This government, the Eves government, has a horrible record in this regard. I'll vote against time allocation because I would like to talk more about our public service workers: police, fire, ambulance. Thank you.

Mr Rosario Marchese (Trinity-Spadina): That is the point the previous speaker alluded to: we're dealing with time allocation. We often say here that these are strangulation motions. They strangle debate. That's the purpose of them. I have just got to say, Michael, in the old days when we were in power, in 1990, we used to take out bills for four weeks at a time. Whether it was good or bad for the government, we would take a bill out four weeks at a time. Imagine. Some people will call that truly, genuinely democratic, right?

You go out and you get a beating on any bill out there, because for every bill you put out, some people are going to love it and some people are going to hate it. It's just the way it is. And we used to love the punishment. We used to love to be punished by the public. You'd find a couple of friends there supporting your bills, but mostly you'd find a whole lot of people who just didn't like what you were doing. And Chris Stockwell used to love that. He used to love us taking stuff on the road so we could get flogged as regularly as possible.

Hon Mr Stockwell: Flattulated?

1640

Mr Marchese: Flagellate: to whip. He was thinking of another term, which he deliberately misheard.

That's what we did. That's what democracy was about. It was about defending your policies and your bills. Whether people loved it or not, it was a matter of honour, a matter of an obligation for governments to at the time say, "People need to be heard." It's not happening any more.

I also have to say to my friend Michael, we tried at some point to change the rules. I wasn't happy with changing the rules. At some point there were a few members of our caucus who said, "It's just not right. It's not fair. They're not allowing us to govern." Quite clearly, for the first time in this place, having a New Democratic Party at its head was not a very pleasant feeling for Liberals and Tories. They just didn't like it. It was most odious to them, most unpleasant, most malodorous. So they would whack us from one end of the room to the other. We didn't like the punishment and at some point we said, "Holy cow, this really hurts." So at some point we changed the rules to try to govern, to be able to remind the public, "Hey, we're in power and we need to find a way to be able to pass the bills that we feel are important for the public; otherwise we're not governing." I've got to say, I was not very happy with those rule changes.

As if it were not enough, this government comes into power and they change the rules again, limiting our ability as opposition to be able to slow down the government when it misuses its power, when it deliberately doesn't want to hear from the public. When it amalgamated the city of Toronto and close to 80% to 85% of the public were saying, "We don't want to be amalgamated," this government didn't pay any attention. It's in those instances that the people, the opposition parties, the public in general ought to have the means to be able to defend themselves against a government that is dictatorial.

Ms Marilyn Mushinski (Scarborough Centre): And the issue is?

Mr Marchese: To Ms Mushinski, the issue is strangulating debate—time allocation—and the point of strangulating debate is to prevent the public, and the opposition, through whom the public is often represented, to prevent them—us—from saying what we need to say.

You heard our member Michael Prue earlier on. I know Mr Wettlaufer said we were slowing down this bill and we really don't want it to pass. That's not the case. We have supported this bill. It's not a bad bill. It's a modest bill that, yes, enhances safety for people who are doing a job out there on those roads. What it says is that motorists approaching an emergency vehicle with lights flashing at the side of the road will be required to "slow down and proceed with caution, having due regard for traffic," if they are driving on the same side of the highway. No problemo here. We are in agreement with that.

We are in disagreement with the proliferation of time allocation, strangulation motions. They proliferate like rabbits in this place. Every other day this government introduces yet another time allocation, strangulation motion. That's what we're opposed to, Minister of Labour. You see, it doesn't feel good after a whole while to say, "Oh, this is really important so we've got to strangle debate." Everything you do around this place is so important to you, isn't it, for which you need to strangle very tightly the debate? That's what we're against.

This is our only opportunity, as the member from Beaches-East York said earlier on. It includes a number of people such as firefighters and, yes, ambulances, but it does exclude school buses—these are the ones that have red lights—and it does exclude from this bill other folks who do important work, vehicles that have orange and blue lights, that presumably deal with safety on the road. It doesn't deal with road vehicles with blue lights—I don't know. The point is, whatever lights we've got out there on those highways, it should include them too as a matter of safety. It's not a big amount of work to be able to include a couple of other people for whom safety is an issue out there and for whom most of us, as legislators, have a concern about. So, Minister of Labour, we're not slowing this down.

Hon Brad Clark (Minister of Labour): Yes, you are.

Mr Marchese: You are the ones who are speeding these things up. Often you don't give us the time of day to debate any bills. In fact, for bills that are in opposition to you, bills that are unsavoury, you guys give a day or two for debate, you allow some of those bills to get out on the road for a couple of days, but we used to give you four weeks, Minister of Labour, as you fiddle your figures. We used to give you four weeks to beat us up. When we, the public, got to have the opportunity to beat you people up—because you well deserve it, with a nice long whip, very thin—because you deserve it, you give us a day, you give us half a day, you give us a couple of days, and that's the extent of my democracy to be able to

beat you up good. But you know how to avoid the beating, because you don't like it; you know how to avoid it, how to dodge it. You know how not to bend over. You know how to fly and squirm away, to skulk away, slithering like serpents, hither and thither. You do that well.

Hon Mr Clark: Serpent. Look in the mirror

Mr Marchese: I'm a good-looking serpent. I give socialism a human face.

So what we're saying is—

Interjections.

Mr Marchese: They laugh.

Hon Mr Clark: Let's talk about the back-to-work legislation you stopped today.

Mr Marchese: Well, we're going to get to that. We're going to get to the back-to-work legislation. The Minister of Labour says, "We want local solutions." Very smart, very clever, for those who don't understand the issue. But if you don't give boards the money, they won't be able to negotiate locally. So the minister quite properly, of course, quite smartly says, "We want them to be able to negotiate, but since they haven't been able to, here we are, we're going to whack you back to work." Give them the money to be able to negotiate their agreements and then they can do it locally, right? That's the point, Minister of Labour.

Hon Mr Clark: Do you remember the social contract?

Mr Marchese: Oh, please. Ten years later these people reminisce about the good old days. I remember Mike Harris, Stockwell and Jim Wilson in the old days. They used to scream over here on this side, saying to Bob Rae, "You got the wheel, stop whining." Remember, Jim?

Hon Jim Wilson (Minister of Northern Development and Mines): We didn't use that line.

Mr Marchese: Yes, you did. The presiding officer of this place always used to stand up and say to Bob Rae, "Stop whining, you've got the limo. Don't blame the federal government," they used to say, "You're in charge."

Jim, I've got to tell you, seven good years you had, a good economy, and you're still whining about the federal government not giving you enough money to do this and to do that. Please, you've got so much money you don't know what to do with it. You're still whimpering about Chrétien not giving you a couple more dollars to do your job. Come on.

This is about strangulating debate. We don't like it, nobody likes it, because it hurts. So we're saying to you, "We oppose strangulation motions. We support this motion." We are saying, "You could have made it a little better by including other safety vehicles out there that deal with issues of safety." Then I'm sure the policemen and policewomen would support this action. They would probably support your including school buses under the protection of this bill.

Hon Mr Clark: You said the snowplow a minute ago.

Mr Marchese: Whatever it is, whatever deals with safety on the road should come under the aegis of this

bill. You didn't include them. It's not a big deal. It would only take a couple of minutes. It takes no great mind, and you guys hire a lot of good lawyers out there, well-paid, including Guy Giorno, who's coming back to prepare you boys for the election.

You should consult Guy Giorno and say, "Guy, how can we make this bill a little bit better without it costing us any money?" It's not a big deal.

Anyway, at the end of the day, we're going to oppose the strangulation motion.

Hon Mr Wilson: How do you do this without a conscience?

Mr Marchese: Are you kidding, Jimmy? How am I doing this without a—OK, I want to hear you stand up and tell me how I'm doing this without a—

Interjections.

1650

Mr Marchese: He's talking about the back-to-work legislation. We're going to get to it, Jimmy, otherwise the Speaker is going to rule me out of order, because we can't talk about another bill as we're trying to talk about safety for kids on the highway.

Anyway, we will oppose strangulation motions, but we do support this bill, in spite of the fact that you could have made it a little better and it wouldn't have cost you a cent.

Ms Mushinski: It is, I must admit, a bit of a challenge to follow the member for Trinity-Spadina, because he does tend to contribute a considerable amount of colour to this place in terms of the rosy type of speeches he makes.

Interjection.

Ms Mushinski: No, I'm talking about "rosy" as in sort of pink-coloured—you know, the pinky coral colour that tends to be, I guess, attributable or attributed to those who represent certain political parties.

It is, as I say, a bit of a challenge to follow the logic of that somewhat flamboyant, if not inflammatory, speech of the member for Trinity-Spadina.

Let's face it, this is about protecting the interests of our police officers, firefighters and other emergency personnel who often find themselves in dangerous situations, especially if they happen to find themselves working at the side of very busy highways and byways and roadways in Ontario.

Regrettably, just yesterday a firefighter in central Elgin, near London, was badly injured when he was struck by a car while directing traffic at an accident scene. The firefighter happened to be standing on the shoulder of the road when he was struck by a car and landed in a nearby ditch. He had to be airlifted to hospital in London. While he is expected to recover, there was no reason for this accident to happen.

As my colleagues have indicated in this Legislature, the legislation that is under discussion certainly has the support of every party in this House, and we know it has the support of every organization whose workers will be affected—and is it any wonder? These outstanding men

and women deserve our support and our protection, and that is what government should be doing.

Serious accidents on our major highways frequently force the closure of key thoroughfares for many hours. Disruptions that hold up traffic for hours can have major economic ramifications in addition to environmental and health impacts. We know that the Eves government is aware of this, and we have decided to take some decisive action.

The Ministry of Public Safety and Security's guideline on traffic management, enforcement and road safety, developed to support the adequacy standards regulations under the Police Services Act, requires police services to implement procedures that address road closures and minimize interference with the flow of traffic. This regulation came into effect on January 1, 2001. The Ministry of Public Safety and Security is committed to working with the Red Tape Commission's highway incident management task force and MTO's road safety personnel on initiatives that will enhance community safety.

The task force report has recommended that every effort be taken to reduce the time it takes to respond to and to clear accident scenes. Anyone who commutes in this huge urban region called the GTA knows that has to be addressed. It also recommended that emergency vehicles be, as much as possible, stopped off roadways or cleared off accident scenes.

Safer communities and enhancing community safety were also Blueprint and action plan commitments of our party. The Ministry of Transportation's action plan on safer roads also focuses on aggressive and unsafe driving, as well as improving driving habits and increasing seat belt use. In addition, the Ministry of Public Safety and Security has given communities the right to establish community safety zones, areas of roadways where public safety is of particular and special concern. They're generally set up near schools, daycare centres, retirement facilities and roadways in high-collision areas. Fines for moving violations in these zones are increased or doubled. I have to say that the city of Toronto council has done a commendable job in making sure that there is appropriate signage erected in these particular safety zones.

I think it's a known fact that this problem doesn't just exist here in Ontario. Jurisdictions worldwide face the same situation on a daily basis. In the United States, for example, more than 200 officers lost their lives in a similar fashion. That's why 16 American states and the province of Saskatchewan have enacted legislation similar to Bill 191 that's intended to protect these emergency workers. When police and firefighters and other emergency service personnel are focused on the accident or incident at hand, they really have little or no opportunity to address their own safety. The proposed legislation will protect these workers as they go about their jobs. Future deaths and injuries, we believe, can be minimized by enacting this legislation. That's why we need to do it quickly.

I can assure this House that the Eves government is serious in its quest to protect these people. That's why the penalties for not obeying the law, once enacted, will be serious. Few other jurisdictions have penalties as stiff as those that this government is proposing for those who fail to adhere to the law. Our message to those drivers who are inclined to disregard the law is clear: do so at your own risk. It will be expensive, you could lose your driver's licence and you might even end up in jail. Tough penalties? Absolutely. Our police, firefighters and other emergency services personnel deserve nothing less from us. By forcing drivers to slow down to a reasonable speed or, where it's feasible and safe to do so, move to the adjacent lane, we are protecting those whose job it is to protect us.

In conclusion, Mr Speaker, I know that you and all members of this assembly recognize that we are living in a time when our police and firefighters and other professionals who routinely respond to emergency situations have taken on a new and profound significance. We all stand to benefit if they do their job efficiently and safely. Because of the very nature of what they do, they're often placed in harm's way. There's no need to subject them to additional risk. They believe we can help their cause if this bill is passed. That's a view that our government shares, and I urge all members to support this legislation and to ensure its speedy passage by supporting this time allocation motion.

1700

Mr Ernie Parsons (Prince Edward-Hastings): Never time to do it right; always time to do it over. Here's another bill that's being rushed through.

It's a good bill. What's in there, I have no quarrel with. The concept of protecting our police officers and our firefighters and our ambulance personnel: superb. I believe it was another member, from Windsor, who said earlier, though, why not seven years ago? Why now? The US has had legislation similar to this for many years; many of the other jurisdictions in Canada do.

Working on a highway or standing on the edge of a highway is extremely intimidating and, statistics tell us very clearly, extremely dangerous. I worked at one time for the Ministry of Transportation, when it really was a Ministry of Transportation and it did things instead of contracting out, not to low bidders, but to high bidders. But this doesn't go far enough.

The bill refers to having to move over for vehicles displaying an intermittent red light. Great stuff. In a rural community such as I represent, we have volunteer firefighters who often drive directly to the scene of the accident or the fire on the highway with their own personal vehicles, and they are displaying a flashing green light. According to this bill, there's no need to move over and provide them with safety; it must be an intermittent red light. I would say strongly that whether one is a full-time firefighter or a volunteer firefighter, they are entitled to the same protection. If this bill wasn't being rammed through on time allocation, there would have been an opportunity to make that amendment to protect our

volunteer firefighters, but it's focusing too closely on just one group.

Tow truck drivers, service vehicles that have to stop: again, as a rural member I drive to Toronto on a great many occasions and I see a large number of vehicles, whether they be cars or trucks, broken down. There are times, particularly with transports, when they can't get very far off the highway. So the service personnel are forced to work almost on the edge of the road. They are going to be displaying an orange light. I think their lives are valuable; I think their safety is important. There is no provision in here for anyone having to do anything for someone displaying an orange light.

From my experience working on construction, it is absolutely terrifying working on construction if you are in a lane that's closed off, if you are working on the edge of a highway. The member for Brant some time ago introduced Bill 191, which would have doubled speeding fines for any vehicle going through a construction zone. It may not feel like one is driving very fast at 80 kilometres an hour through a construction zone when the regular speed is 100, but if you are that worker standing on the edge of the road, that is a very scary feeling. In the construction field, the people who work on our highways are in an extremely dangerous profession. We could do more for them too. We could do more to force traffic to recognize them.

All too often I see a little item in the paper, particularly the Toronto paper, about someone who broke down on the edge of a highway, got out and was struck by a car, or was struck trying to go across the lanes for help. In that case, although they wouldn't be displaying any light, I would suggest that if we're concerned about the safety of people on our highways, we would at the same time undertake an education program. People who break down on the edge of the 401 in Toronto often don't know what to do. They're panicky. They know they can't walk to a service station. In fact, thanks to self-serve stations, there aren't service stations to walk to any more to get assistance from a mechanic. I think we need to do an education program that would assist them.

I would even suggest that a lot of our highways could be made much safer by the simple act of paving the shoulders. Certainly it would reduce the accidents involving cars that happen to slip off the edge of the shoulder and hit the soft gravel and overturn. There are far, far too many people killed in Ontario for having simply let the wheel of their car go three or four inches off the edge of the pavement. There should not be capital punishment for losing control and drifting a little wee bit out of the lane. The government could greatly improve the safety on our highways by paving the shoulders. They would also make the highways themselves last longer, because with the solid surface pavement there, we're not going to get water running off the highway and freezing, expanding and deteriorating it. It requires some upfront money, but this government doesn't do the upfront money. It doesn't do things that are preventive or protective in nature. We bring children into care in this

province, rather than doing things to keep them in their own homes, in far too many cases, where prevention would have eliminated the need for further expenditures down the road. We take the simple shortcut of, "Let's pay for it now." So I'm distressed at times with the number of accidents that occur in Ontario simply because we won't do the paved shoulders. The other jurisdictions in North America know that. We've lagged far behind.

Once again, we have time allocation. The government doesn't like to hear us talk about that, but I think perhaps a lot of Ontario doesn't realize the world in which we function here in the Legislature. It was naive on my part, but when I was elected here to Toronto I thought I would have the opportunity to bring the viewpoint of my constituents forward.

The democracy we live in is extremely fragile. The more we convey to people that they're not part of the system, that their vote or their opinion doesn't make a difference and nobody cares, the more we drive them away from democracy. We continue to see countries in the world where people are prepared to die to get some form of democracy that is maybe only half of what we have. People want to be involved in their community, they want to be involved in their province, but as we take away their opportunity to do that, they become disenchanted.

I learned very quickly in life that none of us are as smart as all of us. We need to hear the experts in the field. Many of the bills that are put forward through this House clearly reflect that the government hasn't even consulted before they do the legislation, let alone during the process when it goes through the House. We've seen this government try to do things either behind people's backs or simply outside of the House. The change in the pensions has been referred to. That wasn't going to be brought up by the government. Their hope was that it would sneak through on the omnibus bill and no one would notice it. The increases in long-term care—an increase that affected every member in every riding, whether on the government or the opposition side—were announced on a late Friday afternoon of a holiday weekend, rather than here in the Legislature to be debated.

I find it most distressing that when the Premier has new legislation to introduce, such as for the Electricity Act, rather than do it in this House, where the opposition could respond and where the media could hear and question, it is done in someone's living room or dining room. Everything is done to diminish the power of the Legislature. But the power in this Legislature is not the power that I possess as an MPP, or that any of us do—because we truly are servants of our constituents. It takes away the power of the citizens in our community, who want to be able to go to their member—and they may have an idea that would greatly improve the quality of life for everyone in Ontario or improve the efficiency, and they come to us as individuals, give us input, and trust us to have the ability to bring that forward and share it with the Legislature, whether in the chamber or at committees. People want to believe that they have full citizenship rights in this province. But instead, we see

this government consistently saying, "We don't want to debate anything." Well, if you don't want to talk about something, there must be something in there that you're very ashamed of. Any good bill will withstand public scrutiny with no problem whatsoever.

We look on this current session, and in this current session 83.3% of the bills have been rammed through in a dictatorial style rather than a democracy. It is not an offence to the members in this chamber; it is an offence to the people of Ontario that continually, 83% of the time, this government is not interested in what they have to say. That is fundamentally wrong for democracy in Ontario.

1710

Mr Levac: I'd like to express to the House my intention to discuss, on this time allocation motion, three issues in the time that remains for us.

First, in a nutshell, time allocation itself, the reality of what time allocation means: basically, the stopping of debate. In this case and in a lot of cases, what the government has been doing lately is no debate at third reading, which also steals more time from the people to speak their minds to the government of the day through their members of the provincial Parliament. The second is faulty legislation as a result of time allocation, and the third is this particular bill itself. I'll address this bill as quickly as I can and add a few points and a little ripple to what the government is saying is great legislation.

Let's start with the first thing—first things first. Time allocation is a new device that this government is using to extreme. It's not a new device for the House; it's a new device with which this government has been stifling democracy. I've got a couple of small points for us to hear and understand. I'll go back to the 32nd Parliament—Bill Davis and Frank Miller. From March 1981 to May 1985, there were three time allocations—just three. How many bills did they pass with full debate, disclosure and community hearings? Two hundred and ninety two. Three out of 292 is a very admirable record.

In the 33rd parliament, from May 1985 to September 1987—the Peterson minority government, in co-operation with the NDP—how many times was time allocation used? Obviously, with a minority government you have to be careful of that. Once, out of 129 pieces of legislation. In the 34th session, with a majority government, from September 1987 to September 1990: three time allocations in 186 pieces of legislation.

It goes on and on all the way through, until finally we get to the real issue. In the 36th and 37th Parliaments in the Harris years, from June 1995 to June 1999 we've got 35 time allocations, with only 118 pieces of legislation. Then in the 37th term from June 1999 to just July 2, we've got 46 time allocations with only 71 pieces of legislation. Today we've almost doubled that to almost 85% of our legislation using time allocation. Nasty stuff, that time allocation, because what we find out in that pension legislation—budget legislation—is that we even had the highest court in Ontario tell this government, "Wait a minute. You're barking up the wrong tree.

You've got to pull the plug." They're not even going to admit they want to pull the plug.

What's interesting about this is that even though they've got their fingers in the cookie jar, they're going to put their hand in the jar and walk around the kitchen with it and tell their mother, "No, I don't have my hand in the cookie jar. It's not there."

"Get your hand out of that cookie jar."

"OK, I will. I will, I will." And the hand is not out of the cookie jar yet.

They're not withdrawing that piece of legislation that could possibly take hundreds of millions of dollars out of our pensioners', our senior citizens' pockets. Unbelievable. That's what's faulty about this piece of legislation.

Admitting they're wrong and that they made a mistake would be a wonderful thing to happen. It's a piece of legislation that was pointed out in the middle of time allocation—no debate on third reading. When we bring these facts to the House they're still saying, "There's not a problem here. We're simply not going to proclaim it." But it's still going to exist. The problem is that that piece of legislation needs to be completely withdrawn from that omnibus bill and then reintroduced, if you think there's a problem to correct, before or after consultation. I want to point out very clearly to the people of Ontario, and it's really interesting, their claim on a regular basis, almost to a T: "We consulted." But guess how they do it?

They send out these consultation papers to everybody in the province and get their advice. Then they draft the legislation—they put it together—but they don't come back and say, "This is the piece of legislation we think we've got." They just simply hear the advice and then they stand up and say, "We consulted all the stakeholders, and they've told us what they want in the legislation." Well, kind of. They had no intention of listening, but they consulted. And when the legislation gets written, that's it. Time allocation, third reading, no debate; that's the problem with this. It's a process problem that they know exists but they don't want to use it. Why? Because it means they're going to have to take sober second thought on legislation they know is faulty. I shame them for it because they know they should be trying to pass legislation that is the best possible legislation with input from the opposition, with input from all the stakeholders and in particular from the citizens of Ontario. Why aren't they doing that? Because they know when they ram things through that it satisfies a smaller group of people who say, "That's good enough for me."

I want to move now straight on to the bill. We've made recommendations to this government. The Liberal Party will make this bill pass properly, but we're going to make sure you understand that the faults are there. We've pointed it out time and time again. I want to tell you, somebody on the other side made reference to the United States and talked about the toughest legislation around. It's not quite the way it is, because in my review of the four pages I received from the United States, they made it quite clear that there are up to six, eight months in jail for some of the offences. They also included some of the other faults that I pointed out.

All lights, all emergency flashing vehicles should be included. It's not in this legislation. In this bill, in Bill 191, it was pointed out quite clearly that it's only red and white alternate flashing lights. Quite frankly, there are many other types of flashing lights out there where we need to protect those people when they stop on the highways.

So what should we be doing? The member from the Wellington area likes the volunteer firefighters, I know he does. I do too. But they're not included in this bill because they use green. Green's not mentioned in the legislation.

Another piece that nobody on that side knows, because I pointed it out to him and he didn't have a clue, is that there are actually volunteer ambulance response vehicles that are not allowed to use green.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): Are you saying he's clueless?

Mr Levac: I'm making it quite clear that there are some problems in the legislation. But why are we debating this under time allocation, the stopping of the debate? We're trying to make sure they understand that there are problems with the bill. We're not here to hold up legislation; we're here to make it the best possible legislation it should be. There are people who need to be protected on these highways.

Quite frankly, for the past five years we've known the facts. We know that in other jurisdictions over 200 people have been killed doing their jobs; they're police officers. We know that. Quite frankly, I don't want to go through those cases again because I committed, for the dignity of those people, not to rehash those awful problems about their loved ones being killed on the highway. Suffice to say that the Liberal Party—Dalton McGuinty, myself and all of my colleagues—supports the type of legislation that this government is trying to do, but we're asking them to stop saying that we're trying to stall the legislation. We're not trying to stall the legislation; we're trying to make it better. Would you include all the different lights that are used on emergency vehicles, the plows?

In the jurisdictions I studied in the United States, almost every single one of them, to a T, included all emergency vehicles because a tow truck driver can get killed as well as anyone else could be out there but they're not flashing red lights.

Mr McMeekin: Why wouldn't they do that?

Mr Levac: I don't know. I asked them about that, and they're saying, "Well, just put it through and we'll take care of it. Put a lot of stuff through and we'll just take care of it." The people of Ontario are getting sick and tired of that promise.

Mr McMeekin: We saw that on hydro.

Mr Levac: We saw that on hydro; we saw that in the school boards; we saw that in the supervisors they assigned; we saw that in the most recent piece of legislation, the budget bill. "Trust us. We're not going to touch the pensions. Everything's going to be OK." But time after time, it's pointed out quite clearly we've got

some problems with this legislation. I only ask that you take a look at these.

There are two other situations in there that I think this government should be looking at. This is a really good one, particularly for this bill, and that is the new evolution of studded tires. Believe it or not, studded tires have evolved past what used to be the destruction of highways with the use of metal clips. Rick Bartolucci from Sudbury offered us a piece of legislation in a private member's bill that would reintroduce studded tires. I know the Minister of Transportation is looking carefully at that because he knows the evolution of the studded tire has been improved so that there's no damage on the highways. In the Scandinavian countries they've reintroduced studded tires and they've dropped accidents by a large percentage. So we need to take a look at new innovation. Rick, what was it, 80% now?

Mr Bartolucci: Eighty per cent.

Mr Levac: Eighty per cent reduction in major accidents with the studded tire. That would help care and control of the car in the very bill we're talking about right now.

So it is a valuable exercise to try to get the government to see that there are things this particular piece of legislation should consider. But we get time allocation. Time and time again, as we've been pointing out, almost every single time they've introduced this there are problems with the bill and they have to retreat. I'm asking them, let's be proactive and get it right the first time. If you were to do that, you would get co-operation from this side more often. Instead of wasting time and telling us that we're wrong all the time, there are opportunities for them to improve the legislation, which also undoubtedly protects the citizens who work on the highways day in and day out.

Speaker, I want to thank you for the opportunity. Stop the closure stuff.

1720

Mr Peter Kormos (Niagara Centre): New Democrats don't support this time allocation motion either. But what's most regrettable about this time allocation motion is that the government chose not only to cut off debate—all three parties support this legislation. So that, in and of itself, wasn't and isn't the most offensive or regrettable thing. The most regrettable thing is that the government in the course of the time allocation motion ensured that this bill would not see the light of a committee room. That is unfortunate.

The Police Association of Ontario, when they had their lobby here at Queen's Park just a short while ago, had this on their list of items that they were discussing with various caucuses—with the New Democratic Party caucus as well. I recall having been in the House with the Solicitor General, the Minister of Public Safety, when he railed about the need for this legislation to be passed. I addressed the police association reps who came to our caucus very directly. I said, "Look, the opposition members don't have the capacity to prolong debate. But what's most critical from your interests"—you, police officers' interests—"is that this bill go into committee."

I remain convinced that notwithstanding the purpose, the intent of the bill—and it's a laudable one; everybody has agreed with that proposition—the bill suffers from unenforceability. The contra-argument is made, "Well, the bill is merely designed to be symbolic. It's an educational tool." Let me put this to you, Speaker: it's not much of an educational tool if every time—the rare time—the charge gets laid, whoever it is gets charged walks away from provincial offences court with an acquittal, without an application of the somewhat high fines that reflect the seriousness of the offence. You want to educate the public? Pass a piece of legislation that if there's a violation, you can get a conviction, and have a few people walking around Ontario talking about how they got whacked by a justice of the peace for a \$1,000 or \$1,500 fine for not slowing down as they sped past a police cruiser with its red lights flashing on the side of whatever highway you want, whether it's the 406 down where I come from or Highway 3 or the QEW, what have you. That's public education.

One of the concerns that we had around this bill was that it was not a vicarious liability bill. You'll recall the amendments that were made to the Highway Traffic Act, as I recall it, around the failure to stop for the red lights that flash on a school bus. One of the problems that school bus drivers had was, as cars sped by them, they might have been able to get the licence plate number of the vehicle, especially if the car was passing them on the left-hand side. That was a scenario where it was almost impossible to ever identify the driver of the vehicle. So you can't charge, unless you have vicarious liability.

New Democrats have been advocating that this offence be a vicarious liability offence, where the licence plate number is sufficient identification to result in a conviction against the owner of the car or whoever else might come up and basically 'fess up to the crime. It's done with fail to remain at the scene of an accident under the Highway Traffic Act, for good reason. The fact is, somebody is usually taking off, speeding away. It's a rare occasion in a fail-to-remain case under the Highway Traffic Act that you can identify the driver. A police officer, whoever the crown attorney's or provincial prosecutor's witness is, has to be able to say, "It was that woman"—or that man—"who was driving that car that committed that offence," if you're going to charge that person.

New Democrats have pointed out that on this type of offence it's going to be virtually impossible for what will usually be police officer witnesses, in the case of police cruiser pullovers, to say, "It was that woman." They may have the licence plate number, but their ability to positively identify the driver as the offender is going to be seriously impaired. We're saying the bill should have gone to committee to consider an amendment to make it a vicarious liability offence. It's not unprecedented in terms of those types of offences.

Look, most police officers, if they're at the roadside, either you've got one police car pulling over a speeder in the most, I suppose, benign sorts of situations, and that police officer, by and large, is going to be put in a

difficult position if he or she has to weigh, "Oh, do I abandon the"—I remember one time I got stopped for a Highway Traffic Act offence and as the police officer was talking to me a car went off the shoulder and rolled over. The police officer had to make a speedy choice as to who he—it was a male—was going to have to deal with. I was the one who didn't get the speeding ticket because the police officer had to attend to the more serious incident that happened literally while we were stopped by the shoulder of the road. The police officer is going to be in a difficult position. When a car speeds by, that police officer is going to jump back into his car, after he's stopped a speeder, to pursue the car that just went by. And if there's more than one police officer present—which implies that it's an even far more serious situation than just somebody being pulled over for speeding or no tail light, what have you—again, they're still going to be disinclined.

We New Democrats wanted to make this law better. I can't for the life of me understand why the government wouldn't have addressed that in the first instance, but New Democrats saw that fault, if you will, that defect in the bill, and wanted to make it better, wanted it to go to committee.

The other issue is this: it's police officers who have been injured and killed as they're attending to matters on the shoulders of the highways and various roads. I don't think there's a part of the province that hasn't been impacted by that type of incident. It's incredibly dangerous for anybody, but incredibly dangerous for a police officer who's there doing what he or she has to do on the shoulder of the road as cars speed by. But we raised, as did other opposition members, the prospect of considering whether other similar vehicles that are required to pull over to the side of the road with appropriate warning lights, be they the orange flashing lights of a road safety vehicle, be they the green lights of a volunteer firefighter's personal vehicle, be they the blue lights or white lights of a road-clearing vehicle—say, a road-clearing operator who has emergency flashing lights who has to get off to the side of the road and attend to a mechanical problem with the plow on the front or clear snow out from the mechanism underneath the vehicle—do those people not deserve the same level of courtesy that this bill requires? What about ambulance attendants? You can see that the bill is very specific, isn't it? The bill would seem to exclude an ambulance that's pulled over at the side of the road, or a firefighter, tending to a scenario on the side of the road. So we've suggested that this bill go to committee for those considerations.

It's not going to committee now. The government made that decision. The government, in this time allocation motion, had no fear of saying, "Oh, we daren't put it to the committee, because then the opposition members are going to prolong it or filibuster it in committee." No, because the government in this time allocation motion could have, as has been suggested to the government, indicated one afternoon, one day, or two afternoons, two days, of committee hearings so we could consider these things and hear from the stakeholders who would be

impacted by such an amendment. The government chose not to do it.

I don't know if the government's going to proclaim this bill. How many pieces of legislation has this government passed—many of them with a whole lot of fanfare and publicity and PR and backdrops and photo ops, with ministers of all shapes, sizes and stripes and so on—and then failed completely to ever proclaim? I hope the police aren't being taken for a ride on this one by this government and I hope the government proclaims it.

1730

My regret is that a first-year law student is going to go into provincial offences court and beat these charges. That's my concern. That isn't a very effective educational exercise when drivers get charged, because it's going to be the rare driver who gets charged because of the difficulty in apprehending these types of drivers from the very get-go. But when that driver does get charged and then the driver can beat the rap with relatively little effort, there isn't much of an educational exercise going on. That's unfortunate.

I've been involved in committees where committees have discovered defects in bills, have discovered ways of beefing up legislation and have found ways to make legislation better and in almost, dare I say it, a non-partisan spirit have ensured that that happens. I've also been in far too many committees, the majority of them, where efforts to clean up legislation are futile.

This is a bill that could have been improved in committee. The government chose not to do it. I don't see how opposition members, then, could take any responsibility for this bill failing to achieve the purposes it seeks. We support the proposition of creating a safer environment for police officers and other front-line emergency personnel—police officers, firefighters, ambulance workers. We regret this bill being proceeded with in this fashion by this government stands but a modest chance of achieving any new security and safety for those same front-line emergency personnel.

The Acting Speaker: The floor is open for further debate. The government House leader.

Hon Mr Stockwell: I can't. I introduced the bill. I'm sorry.

The Acting Speaker: Very well. Then the floor now goes to the member for Durham.

Mr John O'Toole (Durham): I was actually looking forward to the government House leader standing up, because he's usually quite entertaining and informative, I might add, as well.

It's my pleasure to stand on behalf of Minister Runciman this afternoon on Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle. If you listen to the debate, I think all members from all sides will be supportive of this bill because, as the minister said in his opening statement, the day the police associations were here was really a day of celebration.

The preamble to the bill probably tells the viewer today all that's really needed to be said.

"The bill amends the Highway Traffic Act to require drivers approaching an emergency vehicle that is stopped on a highway with its red light flashing to slow down and to move into a lane not adjacent to the vehicle if it is safe to do so. A person who contravenes these requirements will be guilty of an offence punishable, for a first offence, by a fine of \$400 to \$2,000 and for subsequent offences, by a fine of \$1,000 to \$4,000, or to imprisonment for a maximum of six months, or to both a fine and imprisonment. The court that convicts a person of an offence may also suspend his or her driver's licence for a maximum of two years."

Clearly, these are very severe consequences for not respecting the hard work, and important work, that our front-line officials on the highway perform.

We could go on, but there are a couple of things I want to put on. As you've heard from my colleagues, this proposed legislation is endorsed by all the people it is meant to protect. We have the support of the Police Association of Ontario, which represents more than 20,000 front-line police officers in the province; the Ontario Provincial Police Association membership; the Ontario Association of Chiefs of Police, with whom I met about a month ago; the Ontario Association of Police Services Boards; the Ontario Safety League; the Fire Fighters Association of Ontario; the Ontario Professional Fire Fighters Association; the Ministry of Transportation; the Ministry of Health and Long-Term Care; and the list goes on.

I'd like to take a moment to read into the record comments made in a letter to Public Safety and Security Minister Bob Runciman by Brian Adkin, president of the OPPA. Mr Adkin and his front-line OPP officers, who face danger every day on our 400-series highways, are appreciative of what the Eves government is doing to protect them as they go about their daily, and difficult, routines.

Mr Adkin writes, "We believe the legislation being proposed by Minister Runciman is a potential lifesaver that will help protect our members in the line of duty."

"Our members are keenly aware of the dangers they face from motorists when they are stopped on the shoulders of Ontario's high-speed, high-traffic routes, especially the 400-series highways."

"We have had several officers killed on the shoulder of the road in the line of duty by drivers plowing into them. Each day my members face an unprecedented danger as vehicles, including tractor-trailers, pass them within inches at speeds up to 140 kilometres per hour."

"This is a very important health and safety issue to our members. We police all multi-lane 400-series highways in Ontario. We ask for your support to protect your OPP officers and my members."

Mr Adkin's letter brings home the dangers these men and women face each and every shift, each and every day. They are fathers and mothers, brothers and sisters, sons and daughters. Those in this House who have family members serving as police officers, firefighters or in other life-threatening jobs know what Mr Adkin is speaking about.

Allow me to remind you of the distressing circumstances and statistics you heard just a little while ago, lest we forget why it's important that Bill 191 receive all-party support this evening. It's an important statement. I know there are members on all sides of the House who want to go off the record and make their own little tirade, but this is a simple statement, as I read in the preamble. It needs all-party support to show the support that our front-line people have.

In the past five years, OPP officers have been killed in the line of duty as a direct result of motor vehicle collisions when their cruiser was stopped on the shoulder of the highway. Between 1998 and 2000, 78 parked and/or stopped ambulances, 69 fire and 819 police vehicles were involved in motor vehicle collisions in Ontario; nine police vehicles were involved in fatal collisions; 237 emergency vehicles were involved in collisions that resulted in injuries; and 720 vehicles were involved in collisions that resulted in property damage only, fortunately.

Commercial drivers are already taught to move over for stationary vehicles at the side of the road, but the driving public will need to be educated to help them understand what is expected and to recognize what to do should the situation present itself as they go about their daily business.

As has been pointed out, the Ministry of Transportation is committed to improving the safety of all road users and to developing strategies that enhance the safety of emergency service personnel.

When police, firefighters and other emergency service personnel are focused on the incident at hand, they have little or no opportunity to address their own safety. The proposed legislation will protect these workers as they go about their difficult but important jobs.

Future deaths and injuries can be minimized and potentially eliminated by enacting this legislation, and the sooner the better, especially as we enter the winter season where the likelihood of emergency personnel and police and firefighters having to respond to accident situations is increased at this time of year.

I can assure the House that the Eves government is serious in its quest to protect these very people. That's why the penalties for not obeying the law, once enacted, will be serious. Few other jurisdictions have penalties as stiff as these that this government is proposing for those who fail to adhere to the law. Our message to the drivers who are inclined to disregard the law is clear: "Do so at your own risk. It will be expensive. You could lose your driver's license and you might even end up in jail. Clearly, pull over and avoid the dangers." Tough penalties, absolutely. Our police, firefighters and other emergency personnel deserve nothing less from each of us in this House.

In closing, I would ask the honourable members to remember the OPP officers who have been killed in recent years while on duty patrolling our provincial highways. While they will live on in our thoughts, through their names being placed on the police memorial just outside this very building, let us ensure that they

didn't die in vain. I would encourage each member of the House to stop and think before they vote on this very serious Bill 191. Stop and show respect. We expect the best from our emergency personnel and it's only right that we, too, do the right thing. It's time to do it.

In the remaining time left, I'm hoping our former Solicitor General will get up, because he's worked long and hard, and I'm anxious to hear Mr Tsubouchi's response to this important bill before us today.

1740

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): I thank the member for sharing his time. I asked if I could have some time to speak on this very important issue as a former Solicitor General. I must say—and you know as well, Speaker, as a former Solicitor General yourself—that it's certainly a privilege and an honour to work with the men and women who represent us in the Ontario Provincial Police.

It was my unfortunate duty, I guess, and the toughest thing when you are Solicitor General, to have to attend police funerals. It's a very difficult thing to do. On my watch, unfortunately, we lost three OPP officers: Sergeant Marg Eve on June 9, 2000; Constable James McFadden on December 31, 1999; and Constable Chuck Mercier on September 30, 1999.

What I want to bring to this very important bill is the fact that we're dealing with an important safety measure. It's a measure that will save and protect our police, our emergency workers, but it also has a huge personal and human impact. I think you only see that when you see the effects it has on the families of these officers who go out and protect us day to day and put their own safety behind our safety as civilians. You would not think, if you were married to a police officer, either the husband of a police officer or the wife of a police officer, that when your spouse goes to work and they are on traffic, there is a greater risk that they will be killed than if they were working undercover on organized crime or with the drug squad, something that you would think might carry a huge amount more danger than going out in traffic. But the reality is that many officers, not only in the OPP but in municipal forces across this province and across this country, are at a great deal of risk because there are people who drive on the roads who are careless and treat emergency situations in a very poor way.

I would want to say this: when Marg Eve was in this crash, along with her team, Constable Patti Pask and Constable Brad Sakalo—all from the Chatham division, by the way—I visited the hospital with her family as we were waiting with her. Her husband was there, her sister—all her family. There must have been about 12, 14 or 15 people in that waiting room. You see the real impact it has on the family. They were waiting to find out what was going to happen to Marg. When the bad news came, there was a real human response to that. Once again, here's someone who devotes her entire life to protecting you and me, and yet people tend to forget these families.

It was the same thing when we attended the funeral of Jim McFadden. It was a very cold day. He was killed in December, so it was January. We were at the funeral, in the cemetery. He had a couple of really fine sons who were taking care of his wife, and I still remember a very touching moment when one of the boys took off his jacket to give to his mother in this very cold cemetery.

That is why this is so important. This particular law really points out the things we should do out of common sense and that we don't do. To any of us who are on the highways and see that there is a police car on the side of the road, lights flashing, it's very evident that you should be cautious when you are approaching this particular situation, and yet people continue to speed by. In some cases, because they are watching the police car at the same time and they are distracted, this is what occurs.

This is just a commonsensical bill. It's a bill that is a long time coming. It's not simply police officers, as I said, but firemen and ambulance attendants. All are in very dangerous and tenuous situations as a result of all of this.

I will say this, though, just to talk on the upbeat side of all this. Of course, Marg Eve was in the hospital in London, and both Patti Pask and Brad Sakalo were in the Chatham hospital, so I went and visited them in the hospital. Patti had a broken pelvis, I was told, and was in very serious condition. When I knocked on her door to see whether I could come in, she was up in a walker—this was the day after—on a walker. I said, "Why are you on a walker?" She says, "Well, I've got to get back to work. I want to do what I can to get back to work." That's the kind of dedication these folks have.

When I saw Brad—and Brad, of course, was flat on his back. He was in casts all over the place with serious injuries in multiple places. I still remember this because it was very touching. I had a chance to chat with Brad for a while and see how he was and he said to me, "Will you do me a favour, Mr Solicitor General?" I said, "Well, certainly. What can I do for you?" He said, "Well, would you sign this piece of paper?" I said, "Why do you want me to do that?" He says, "No one will believe you were actually here. I want to share this with the guys and sort of laugh about it." Later on at Marg's funeral, in the condition that these officers were in, Brad was wheeled in on a gurney, just to be there with his fellow officer.

So there's a real brotherhood there. We have an obligation as legislators to make sure that people who protect us, our emergency workers, all of them—whether ambulance workers, whether they're paramedics, whether they're firemen or whether they're police officers—have as much protection as we can possibly give to them.

This is a bill that was a long time coming, I believe, and I'm really hoping that everyone will support it. I believe they will. It's a good thing for all of us out there to make sure that our officers and our firefighters and emergency workers are all protected.

But there are many other things that we can be doing and should be doing for our police. The good news is, I know that when I've been here as Solicitor General I've had a great deal of support from all members of the

House on bills I've brought forward—whether it was the Sergeant Rick McDonald bill, whether it was the sex offender registry—that people here seem to get past the parochial type of political playing that we do from time to time. When we have a serious bill that has huge public safety implications, somehow people are able to see past all the baloney that goes on from time to time and see real issues and are supporting issues that are really important for the men and women who protect you and me out there, day to day.

Speaker, I'm very happy to be here to support this bill, and I hope everyone here does as well.

The Acting Speaker: The time for debate has expired. I will now put the question. Mr Stockwell has moved government notice of motion number 65.

Is it the pleasure of the House that the motion carry? All those in favour of the motion will please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1748 to 1758.

The Acting Speaker: All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Hastings, John	Ouellette, Jerry J.
Baird, John R.	Hudak, Tim	Sampson, Rob
Barrett, Toby	Johnson, Bert	Snobelen, John
Beaubien, Marcel	Kells, Morley	Spina, Joseph
Chudleigh, Ted	Klees, Frank	Sterling, Norman W.
Clark, Brad	Marland, Margaret	Stewart, R. Gary
Clement, Tony	Martiniuk, Gerry	Stockwell, Chris
Coburn, Brian	Maves, Bart	Tascona, Joseph N.
Cunningham, Dianne	Mazzilli, Frank	Tsubouchi, David H.
DeFaria, Carl	McDonald, AL	Turnbull, David
Dunlop, Garfield	Miller, Norm	Wettlaufer, Wayne
Ecker, Janet	Molinari, Tina R.	Wilson, Jim
Elliott, Brenda	Munro, Julia	Witmer, Elizabeth
Galt, Doug	Murdoch, Bill	Wood, Bob
Gilchrist, Steve	Mushinski, Marilyn	Young, David
Gill, Raminder	Newman, Dan	
Hardeman, Ernie	O'Toole, John	

The Acting Speaker: All those members opposed to the motion will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Cordiano, Joseph	Marchese, Rosario
Bartolucci, Rick	Di Cocco, Caroline	Martel, Shelley
Bountrogianni, Marie	Dombrowsky, Leona	McMeekin, Ted
Boyer, Claudette	Duncan, Dwight	Parsons, Ernie
Bryant, Michael	Gerretsen, John	Phillips, Gerry
Caplan, David	Gravelle, Michael	Prue, Michael
Churley, Marilyn	Kennedy, Gerard	Ramsay, David
Colle, Mike	Kormos, Peter	Sergio, Mario
Conway, Sean G.	Levac, David	Sorbara, Greg

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 49; the nays are 27.

The Acting Speaker: I declare the motion carried.

It now being after 6 of the clock, this House stands adjourned until 6:45 this evening.

The House adjourned at 1801.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)		
Beaches-East York	Prue, Michael (ND)	Halton	Chudleigh, Ted (PC)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hamilton East / -Est	Agostino, Dominic (L)
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Third Session, 37th Parliament

Assemblée législative
de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Monday 25 November 2002

Lundi 25 novembre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 25 November 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 25 novembre 2002

The House met at 1845.

ORDERS OF THE DAY

FUNERAL, BURIAL AND CREMATION SERVICES ACT, 2002

LOI DE 2002

SUR LES SERVICES FUNÉRAIRES ET LES SERVICES D'ENTERREMENT ET DE CRÉMATION

Mr Hudak moved second reading of the following bill:
Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes / *Projet de loi 209, Loi traitant des funérailles, des enterrements, des crémations et des services connexes et prévoyant la modification d'autres lois.*

Mr Michael Gravelle (Thunder Bay-Superior North): On a point of order, Mr Speaker: I don't believe we have quorum this evening.

The Acting Speaker (Mr David Christopherson): Would the table please check and see if we have quorum.

Clerk at the Table (Ms Lisa Freedman): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Acting Speaker: Quorum now being present, we'll go back to the minister for the order of the day.

Hon Tim Hudak (Minister of Consumer and Business Services): Mr Speaker, I am splitting my time this evening with a couple of other members—Mr Gill and, I believe, Mr Wettlaufer as well—who are anxious to contribute to the debate.

Mr Rob Sampson (Mississauga Centre): What are you hiding?

Hon Mr Hudak: Of course, Mr Sampson is welcome to contribute if he feels the desire. I know he has really kept up to date on this issue.

I'm pleased to speak tonight upon second reading of the proposed Funeral, Burial and Cremation Services Act, 2002, also known as Bill 209. As members of the House will know, this bill is a companion piece to Bill 180, the proposed Consumer Protection Statute Law Amendment Act, 2002, also known as CP21, consumer protection for the 21st century, which is currently before

this House. This is a package that is part of a comprehensive consumer protection agenda that is the most ambitious ever proposed in the province of Ontario and is being proposed by the Ernie Eves government.

Bill 180, as members here this evening know, proposes to update a set of consumer protection laws that were passed back in the 1960s and 1970s, a time when computers were the size of Mack trucks, owned only by NASA scientists, colour TVs were a luxury item, and the Internet was simply the stuff of science fiction.

The world has changed. Business practices have changed. Culture has changed in the province of Ontario. That's why it's important to change our legislation to keep astride of emerging business practices and cultural evolution. Just like in the consumer protection bill, Bill 180, in the bereavement services sector our legislation is in need of updating. In fact, our legislation with respect to bereavement is even older. It was brought forward to the Legislature almost an entire century ago. Mr Speaker, you won't remember, but I'm sure you have read that 100 years ago people were commonly still driving a horse and buggy. The Wright brothers were making their first flight. Obviously, lifestyles and customs have changed significantly since then, and we need to update our bereavement sector laws accordingly.

I'll give you a couple of examples. In today's Ontario, we see more people choosing cremation as an option, very much unheard of, or very rare, in those days when the legislation was brought forward in earlier sittings of this Legislature. In the last 10 years or so alone, it has grown from 28% of services to almost 40% in 2000. Similarly, there's an emerging and growing demand for simple or "no-frills" bereavement services.

There's no doubt, as we can see every day in the province, that today's Ontario is far more diverse and multicultural than it was 10 years ago, let alone 100 years ago, when the legislation was first brought forward. Members of different religions and different cultures are looking for bereavement services that meet their needs and reflect their traditions.

1850

It only makes sense that our laws governing this sector must be modern and flexible to respond to how times have changed. As with our broader consumer protection package in Bill 180, our goals with this bill are twofold and they are complementary. We want to provide excellent consumer protection to the people of Ontario, and we want to level the playing field so that businesses

can continue to grow and prosper in this province under fair and equal competition.

Mr Sampson: Where's the hideout?

Hon Mr Hudak: I don't want to hide anything in this legislation. I want to come forward and let members know what Bill 209 contains.

First of all, for those watching at home and those in the assembly who want to learn more about this bill, I'll describe why this legislation is needed. No doubt bereavement is a difficult topic for most of us. It's a topic that most of us put off thinking about until, unfortunately, a loved one dies and we can no longer avoid dealing with this very sensitive issue.

As MPPs, we all know the providers back in our home ridings, and we all agree that bereavement services is a very unique type of business. People are in a very vulnerable grieving state when they make purchases in this sector. Often they will have little or no experience in dealing with bereavement services, and they must make these difficult and sensitive decisions rather quickly during a time of great stress for the family and friends of the deceased.

With all of these factors, combined with the significant expenditure involved in a funeral and cemetery service, our government believes this area calls for special attention and consideration; hence the bill in debate this evening. It's also why it's important in this discussion to talk about protections for consumers to make sure they have fair dealing practices at this very difficult and sensitive time.

A bit about the industry. Bill 209 not only protects consumers; it provides fair rules, allows for new business models reflecting the evolving culture in the province, and creates a level playing field for businesses that work in this sector. Furthermore, as I always say with consumer protection, by strengthening confidence that people—taxpayers and consumers—have in a particular industry, it also helps those businesses to thrive.

I know there are many honest and hardworking service providers in the bereavement sector. Back home in Fort Erie, Beamsville and Dunnville, they are all very honourable people doing a great deal of hard work and doing their best to help people at a difficult time in their lives. I would expect members in the assembly would give the same indication from those they have worked with in the bereavement sector.

Most of us naturally think of funeral homes when considering bereavement services. Funeral homes, as we all know, make up an important part, but just part, of the bereavement services sector altogether. In fact, today there are approximately 550 funeral homes across Ontario, 5,000 cemeteries, approximately 60 monument retailers, and several other types of businesses, such as casket retailers and transfer services, among others, that all work to provide services to consumers after the death of a loved one.

There's no doubt that diversity characterizes the participants in the bereavement sector. Funeral establishments, as I mentioned earlier, tend to be private, for-

profit businesses, but on the cemeteries side we have private businesses co-existing with religious, not-for-profit and municipal cemeteries across the province. In that context, this legislation would allow for new business models and working more closely together so they can continue to grow and create jobs and respond to consumer demand in the evolving culture in Ontario.

Certainly legislation of this complexity and this history would not come about without a great deal of consultation in the sector, meaning those who are involved in the business, those who are representatives here in the assembly as part of the debate, and of course consumer groups as well who advocate on behalf of consumers who encounter the bereavement sector during difficult times. It's been a very extensive and lengthy process of consultation, but it has been essential, given the sensitive and complex nature of this type of industry.

The consultations to date have arrived at a consensus in principle on the direction the legislation should take, with the assistance of many people both within government and from a variety of service and consumer groups. I'll give you a bit of background on this process to update the members on where we have been and how we got to this point. In 1998, the member from Markham, then-Minister Tsubouchi, who is with us this evening, asked the Red Tape Commission to consult with businesses, organizations and consumers to prepare a report of advice. I want to thank the members of the Red Tape Commission, who did an outstanding job and a great deal of work in consulting with those in this industry and consumers. In fact, sitting next to me tonight is Steve "Cookie" Gilchrist, one of those members—vice-chair or co-chair—

Mr Steve Gilchrist (Scarborough East): I'm demoted?

Hon Mr Hudak: Sorry, co-chair, of the Red Tape Commission; his colleague Gary Stewart, who has a great deal of knowledge in this business; Joe Spina, John O'Toole and Marcel Beaubien, among others, whose report, a number of years ago, set the stage for this proposed legislation now before the assembly and who offered the benefit of their esteemed counsel and research during the consultation process. Again, we're indebted to your efforts.

Shortly thereafter, then-Minister Bob Runciman retained former Justice—esteemed Justice—George Adams to conduct mediation in this process to bring the sides together in response to the recommendations that he had received. In fact, that was continued in the summer of 2001, when my immediate predecessor in this portfolio, the lovely and talented Norm Sterling, himself met with many consumer groups and organizations in the bereavement services community to explore the needs of both consumers and service providers.

An advisory group of consumers, service providers and government came to be known as the Bereavement Sector Advisory Committee, or BSAC as I'll refer to them throughout my remarks. They worked toward finding a consensus on how to move the industry forward

into the 21st century based on the advice they've had to date. With the assistance of the Honourable Justice George Adams, meetings of BSAC, which involved 15 organizations and 30 members sitting around the table, through facilitation came out with some very important, well-thought-out and principled recommendations for legislation.

I want to be clear about the BSAC process. It included a diverse group of members, including representatives from the funeral services industry, monument builders, cemeteries, casket retailers, transfer services, retailers, the Consumers Council of Canada, of course representatives from the ministry who had worked with the sector for some time and the Canadian Federation of Independent Business as well as religious organizations. Certainly no one can deny the importance of the faith community when it comes to bereavement services.

I mentioned it upon first reading and again want to, on the record, as we begin second reading, personally thank the Honourable George Adams for his efforts and echo his sentiment that the level of professionalism and commitment to finding common ground demonstrated by all of the participants in those discussions has helped us, helped him and helped us, the government, in moving this important initiative forward into the Legislature. As I indicated in the description, it was a long time coming, and a great deal of work has been done to this point.

I shouldn't forget to thank a lot of hard-working staff as well with the Ministry of Consumer and Business Services. Certainly Rob Dowler, Alice Young, Deborah Brown, Gary Demers, Joe Richer, Beverley Wise and Joan Spence, among others, have provided a great deal of effort and assistance throughout the process and have been with this piece of legislation for many years.

Of course, it would not be a fair discussion of the bereavement sector without mentioning the continuing importance and the historical role of the religious community in bereavement services. Certainly that was an important part of the consultations and a result of the consultations: the need to respect and to support religious traditions and sensitivities, especially given not only the history but the emerging diversity of religions in the province of Ontario. This bill is designed to allow religious groups to partake in the rights and rituals surrounding death as they always have. We're not, members of the assembly, to presume that we could override some 2,000-year-old ceremony built on great tradition and religious belief. In fact, we want to support the continuation of those important religious activities. The importance of the faith groups in bereavement sectors cannot be understated.

We have already consulted extensively. I intend, if this bill is passed by the assembly and as reforms go forward through the regulatory process and beyond, to continue to ensure that the religious communities are consulted and that their feedback and concerns are heard and acted upon.

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So there's a bit of an introduction, an overview of the industry as a whole, and an indication of how we got to

this point of second reading this evening, on November 25, 2002. As I mentioned, Minister Tsubouchi began this process in 1998. The legislation was first introduced in the Legislature almost a century ago.

Here's an overview of some of the provisions in the proposed legislation that I think are very important to protect consumers and to level the playing field for business.

First of all, I'll start with the consumer protection side of the legislation. The BSAC group, the consultation panel, the consensus panel, identified no less than 18 provisions to strengthen consumer protection. These 18 provisions, to a one, have been embraced in the proposed legislation, Bill 209. They range from very simple things like "consumers should have easy access to pricing and product information"—that makes a lot of sense. We want to make sure that consumers, whether a widow grieving for a lost husband, a son or daughter grieving the loss of a parent, have the proper pricing and product information to make a decision under very complex considerations.

Similarly, other parts of the consumer protection initiative include a code of ethics—for example, to help protect consumers against high-pressure sales tactics. Maybe they were looking at doing a budget-oriented funeral service. There is a concern we hear from time to time about being moved to, so to speak, a Cadillac type of service when they can only afford, despite their willingness to send off their loved one as well as possible, a budget provision. We want to make sure that high-pressure sales tactics and misrepresentation will not take them to some place that they could not afford to go or their loved one would not have wanted them to go in the first place.

I'll give you another example of a practice that will be restricted even further if this bill is passed into law. It will enable restrictions on telemarketing and solicitations that could be considered aggressive or unethical, such as calls to homes for the aged, a practice that I think very few members of the assembly, if any, would support. We want to make sure that these types of solicitations maintain a high level of ethics. There's an example of some of the consumer protection initiatives that are part of the proposed Bill 209.

Secondly, we want to ensure that there is a level playing field between different types of businesses that are in this field. Currently, I don't think anybody in the assembly would argue with the statement that there is an uneven playing field, as we speak today, in the bereavement sector. I'll give you some examples to help us better understand the importance of Bill 209.

I know the member from Stoney Creek supported Bill 209 on its first reading, and I hope that with these examples I'll convince him to continue his support as we go through second reading. I appreciate his open mind.

Visitation centres are currently unregulated because technically they're not funeral homes as defined by the current act, the current act being almost a century old. Unlike funeral homes, visitation centres do not need to be

licensed; they operate in a bit of a grey area in the law. They can be located on cemetery grounds, which confers an advantage to them if somebody was looking to do their entire rite, so to speak, in one place. But because cemetery lands are excluded from municipal property taxes currently, on-site visitation centres are actually tax-exempt. So not only do they not have to comply with the code of ethics and the rules behind funeral parlours, similarly they are also tax-exempt, which conveys a business advantage to them. But consumers using the visitation centres would not have the same types of protections that exist currently for funeral homes. They can offer similar services to funeral homes, except for embalming, but the same protections do not exist.

I know my colleague across the floor was looking to address this in his Bill 54, if I recall—and hopefully he'll be satisfied with the approach today—to make sure that if it's a visitation centre or a funeral home, you'll have high standards, a code of ethics and protections in place for consumers, and that if there's a funeral home across the street on Main Street and a funeral home on a cemetery property, they should pay the same taxes. It's only fair to the business model, that principle of a level playing field throughout this legislation.

If the legislation is passed, we would include visitation centres within the definition of funeral establishment, meaning that just like funeral homes they would have to be licensed, they would have to pay municipal property taxes and they would have to meet the exact same high standards of service and ethics as the funeral service director across the street. Most importantly for consumers, this would mean they could expect the same high level of service regardless of whether it's a visitation centre or a funeral home. Probably for most consumers it's an apples-to-apples comparison. It's only fair that the same high standard of care, the same code of ethics and the same consumer protection initiatives make sure fair dealing results would occur whether it's a funeral home or a visitation centre. For businesses, this means a level playing field in business practices and in taxation, which is something they've been asking for for some time.

Mrs Margaret Marland (Mississauga South): And the same licensing.

Hon Mr Hudak: And the same regime in its approach with respect to licensing, with respect to code of ethics, as I mentioned. I appreciate the member for Mississauga's support on that.

As I said, 100 years or so ago, when the legislation was first introduced, you had the Cemeteries Act and the funeral services act. There are other types of service providers who are not really adequately covered by legislation and hence work in an unregulated environment, which, as I said, can be problematic in a unique and sensitive industry if abuses occur.

Bill 209 proposes to license new groups that operate in this field. For example, marker and casket retailers currently operate in an unregulated environment. Quite frankly, this is a hole in the current consumer protection framework that we aim to correct through this bill. We

believe it is important for consumers to be protected when purchasing caskets or grave monuments, as they are for other bereavement services. It's the goose and the gander argument—

Hon Brad Clark (Minister of Labour): The gander and the goose.

Hon Mr Hudak: —or the gander and the goose—equal treatment. There would be similar consumer protection initiatives when purchasing caskets or grave monuments as there are for other bereavement sectors, because these are similarly large purchases at a very vulnerable time in someone's life.

We're joined by some representatives from that industry today, and I want to commend them and thank them for their work, because the casket-making and grave marker industries have recognized this and have asked to be regulated as services in the funeral and cemetery sectors are, and voiced that through that BSAC consultation process. I thank them and welcome them here this evening.

As I said, for consumers these new licensing requirements will provide assurance that all bereavement supplies and services would be sold by qualified practitioners who meet the professional and educational standards appropriate for their sector of the industry and licensed facilities right across the province.

Combinations and alternative options: the proposed legislation, Bill 209, would set out conditions under which combined cemeteries and funeral homes would be permitted. I talked earlier about visitation centres. This is happening today in Ontario, but it's happening in an unregulated environment with an uneven playing field and a lack of protections for consumers who deal with visitation centres on cemetery properties. Under current legislation, by the letter of the law, it is not permitted to locate a funeral home on the site of a cemetery or to have a crematorium in a funeral home. That's prevented by the old legislation; it says those two must be fully separate business.

As I said, the reality is that in many ways there's a grey area, and this line has been crossed in the name of these visitation centres, which the member opposite had tried to address in Bill 54. In fact, Ontario is currently one of only two provinces, along with Prince Edward Island, that does not recognize and try to regulate this emerging business practice and try to bring protections to consumers. Similarly, by making this change, we bring Ontario's laws in line with eight other provinces and 40 US states and recognize what is happening anyway in the province by providing the proper regulatory framework to protect consumers.

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I mentioned earlier that under current legislation, visitation centres are able to locate on cemetery grounds because, since they're not technically funeral homes under the old legislation, they fall outside a legislative framework. Under Bill 209, while we are bringing visitation centres under the definition of funeral establishments, we are allowing combinations so they can

continue to operate within existing cemeteries. So again, it's an apples-to-apples situation, having the same level playing field and the same types of protections for consumers, whether it's in a cemetery or on Main Street.

Traditional funeral homes would also be able to locate on cemetery grounds or combine with a crematorium or scattering ground on one site. This would help consumers who, in a vulnerable time after a loved one has died, might prefer to make all their arrangements in one place. We would give them that option—

Hon Mr Clark: One-stop shopping.

Hon Mr Hudak: —one-stop shopping, as the member from Stoney Creek describes it—but, under that option, a regulatory framework to protect them at this vulnerable time.

Importantly, the proposed legislation would, with some exceptions, prohibit what is known as tied selling. Tied selling, which we deal with in consumer protection legislation on a regular basis, is a practice whereby consumers have to purchase a package in an all-or-nothing proposition to them.

Hon Mr Clark: That doesn't seem fair.

Hon Mr Hudak: It doesn't seem fair. In fact, we have complaints about this where somebody who is buying a service is told they can only buy the gravestone from a particular site, and if they don't buy the gravestone from that site, there's an additional administrative fee put on top. We don't agree with that.

Hon Mr Clark: That's shady.

Hon Mr Hudak: Well, it's an unfortunate practice, because it doesn't give consumers full knowledge and full choice as to where they can buy the services for their loved one.

Let me give you an example: a cemetery might expand into also providing grave markers, but the cemetery would not be able to refuse to install or accept a marker from another company. If the legislation is passed, they cannot tie the consumer's hands so that he or she must buy the grave marker from that particular cemetery. We want to give consumers the choice to deal with an operator they're most comfortable with and will get the best quality and price from. If the consumer wants to buy a grave marker from a shop of great reputation that has supplied the family for generations or shop for one that offers a better price or quality, he or she would be able to do just that if this legislation is passed.

Prepaid services: increasingly, people want to make arrangements for their own funerals while they are healthy, because frankly they want to avoid burdening their loved ones at some future date; in fact, that's often recommended by people in this field. It's a difficult decision for your loved one to make in grieving one's loss. Often it's encouraged to try to make those arrangements ahead of time to relieve that burden and also to give an indication of what type of service you would like once you pass away. The proposed legislation would protect the rights of people who want to pre-purchase bereavement products or services.

It would also provide a 30-day cooling-off period for consumers who purchase goods and services. So if they felt they were a victim of a high-pressure sales tactic or, on sober second thought, changed their mind within the cooling-off period, they would be able to get out of that deal, no questions asked—for example, if they had second thoughts about one of these prepaid package deals. The proposed cooling-off period is consistent with rules set out for other prepaid services in our companion package, Bill 180, the brother of Bill 209, which also has cooling-off periods.

Hon Mr Clark: CP21.

Hon Mr Hudak: CP21, exactly; consumer protection.

The bill also provides for new trust requirements. The money a consumer pays would have to be held in trust by the service provider, so that if the company goes out of business and can't make good on the contract, the consumer's money would not be lost. It would come back. It's a very important protection, because this could be a substantial investment for someone. If it cannot be conferred by the contract, it would come back through the trust requirements.

In addition, this bill provides for the resale of grave plots or scattering rights. Scattering rights is an evolving practice—it has existed for a while, but it is evolving; for example, if you were cremated and you preferred your ashes to be scattered in a particular area or scattering ground. In this bill we contemplate the ability to resell that plot or scattering right at market value. The fact of the matter is, unfortunately, under the current legislation in the province today—not this bill; the existing legislation—if you bought a grave plot 20 years ago and you moved or changed your mind and you were to resell it today, you would only get back the price of what you paid 20 years ago. It's not fair. You would lose out on the inflationary value. You would have put the money into that 20 years ago but only would receive, say, \$1,000 back, but if you had invested that money or bought it today, it would be worth, say, \$2,000.

We are going to remedy that under Bill 209, if passed, to make sure that consumers would get the purchase price in modern prices if they chose to change their mind in this type of prepaid service. Even if they bought it 20 years ago, they would get the current value of that asset. I think that's only fair.

Disclosure: under the proposed Funeral, Burial and Cremation Services Act, 2002, consumers would have more information about the choices available through the disclosure and consumer education requirements. We want to make sure—I talked about this a bit earlier and, as I said, I think that the vast majority of funeral service and cemetery providers, monument retailers and such are very honest, legitimate dealers who look out for consumers' concerns, but we shouldn't be shy from admitting the fact that we do get complaints about this to the ministry or to the board from time to time. Anecdotally, we've heard the same thing.

For example, to get to the point, we want to ensure that consumers are not shown only the most expensive or

gold-plated packages or services, which can make them believe that it's the only package available or that the loved one would have wanted it that way. It's unfortunate, but we do receive concerns in this area. We want to make sure that if the budget of the family is at a certain level, they will be provided with information that would fit within that budget. Secondly, as I said, prepaid services—an indication through prepaid services as to what, for example, I would want for myself as I pass away: we want to make sure that full information is provided so that you know the full array of services at hand as part of the grieving service.

The bill also includes ownership disclosure, because quite frankly sometimes several different establishments are owned by the exact same company under a corporate structure. When a consumer shops around and finds prices are similar, they may assume that's what it costs. Or if they're referred to another service, they might assume that's what it costs. We want to make disclosure part of the business across the board so that consumers know who they're dealing with, and if the company they're referred to, or if they're shopping around, is owned by the same corporation, or if true competition exists in the sector or in their municipal area.

The bottom line is, we want to make sure that consumers understand the range of options that are available to them. Under this bill, consumers would be given an information brochure and, for example, a telephone number of the provincial regulators of bereavement services, so they could ask general questions about consumer rights and the obligations of the businesses, to make sure they're getting a fair deal and a fully honest representation of the options that they have available to them.

Regulations under the proposed legislation would make easy-to-understand information available through brochures and standardized price lists, to quote a couple of vehicles for doing so. I think we all believe the more information consumers have about the options available to them, the more likely they are to make decisions that reflect their preferences, the preferences of the deceased, their budget, and their religious or cultural traditions and beliefs.

Compensation funds: under Ontario's proposed new legislation, an industry-funded compensation fund that includes all sectors—I mentioned the different sectors—would be established and applied to all goods or services purchased but not delivered. Currently, only funeral directors are included in such a compensation fund plan. They already have one, but the other sectors currently do not. So insolvent cemeteries, for example, become the responsibility of municipalities, and casket and marker activities, those businesses, those retailers, are currently unregulated.

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Under the proposed legislation, if passed, consumers would be compensated for financial loss if goods or services are not delivered in any and all of the licensed sectors, including cemeteries and casket and marker retailers. Instead of only funeral services, it would go

across the board into the four types of sectors—or more if they develop as culture evolves. We want to make sure that at this sensitive time and with a substantial investment the consumer is totally protected. Whether dealing with a funeral home, a cemetery, a monument builder, a casket maker or a transfer service, we want to have a high level of protection for consumers and a high code of ethics and, in this part of the legislation, a compensation fund to make sure that they are not out funds in this type of investment. For example, if the monument retailer goes bankrupt before completing a headstone, the consumer would be compensated for that monetary loss and buy that headstone from another retailer that can make good on what the individual wants for the deceased. It's very good. It's an important provision and probably a lot of us were surprised—I was—to know that it currently does not exist in the province of Ontario, which goes to the earlier point that it's time to update this piece of legislation.

Code of ethics: under current legislation, only funeral directors in the province are required to adhere to a code of ethics, offered to ensure the protection of consumers and service providers alike. This bill, if passed, will include a provision that all bereavement service providers would be obliged to comply with a code of ethics which I, as minister, would like to see raised across the board. As I mentioned, currently some areas are unregulated, and to their credit they want to become part of this approach and to bring forward a code of ethics to reinforce confidence that people have in this particular industry.

Under this proposed code of ethics, all industry members would have to provide the same high standards. If not, if they were caught giving improper service or—hopefully not, but it could happen—taking advantage of consumers, they would face redress from the regulator.

This would ensure first and foremost that human remains are handled and treated with the respect they deserve and dignity and care across the province and throughout the industry.

A strict code of ethics would also help to protect consumers from unconscionable business practices, such as misrepresentation and high-pressure sales, while protecting quality service providers from the poor reputations earned by bad operators. And it would help create a level playing field, because all licensees would have to abide by similarly high standards across the board.

I know my colleagues here are going to regret the next word I say—"conclusion—but I do have some—

Hon Mr Clark: I'm not sold yet.

Interjection: It's too soon.

Hon Mr Hudak: I haven't sold—it's too soon? Well, maybe throughout the debate I'll have time to add some more comment.

Hon David Young (Attorney General, minister responsible for native affairs): Hear, hear.

Hon Mr Hudak: I appreciate it, but I know that some colleagues of mine, esteemed colleagues who have done a great deal of research in this area and feel strongly

about representing their constituents, like Mr Wettlaufer and Mr Gill, may be among others who want to contribute. But I want to wrap up.

The Ernie Eves government believes that promoting development in Ontario's bereavement sector is crucial to being able to offer protection to consumers in the bereavement industry. To summarize, this proposed legislation would support honesty in business dealings, encourage a wide and appropriate variety of services on the market, provide consumers with information on prices and services to make proper and appropriate decisions, and ensure quality services at prices that are fair to both consumers and suppliers.

As I said, bereavement is a topic that not all of us are comfortable talking about, but at some time or another all of us will experience the loss of a loved one, and we will need to rely on the advice of professionals in this sector to provide us with these services.

Our government wants to ensure that we have efficient, up-to-date legislation so that, when the time comes, there are strong protections in place so that consumers can be dealt with honestly and fairly, not only now but into the future.

We also want to ensure that the businesses in this sector—and many of them are small businesses throughout the province, located in communities across Ontario—can grow and expand within a fair, level playing field and modern legislative framework, with a high degree of ethics across the board. As I mentioned, some sectors currently unregulated, to their credit, want to get into this type of framework to help raise the code of ethics across the board.

Through the hard work of my predecessors, the work of the Red Tape Commission and from good advice of the Bereavement Sector Advisory Committee, we have been able to reach a consensus between industry, consumer groups and government on these principles reflected in Bill 209. This bill, I can say with confidence, reflects that consensus.

The principles of strong consumer protection, of a level playing field for business, are consistent with those set out in our general consumer protection package, Bill 180, CP21. These proposed reforms to the grievance services sector are a sister bill to that proposed legislation, and I can say that together Bill 180 and Bill 209 would bring our consumer protection laws into the 21st century and provide some of the strongest, most effective consumer protection not only in Ontario but in the entire country.

Mr Wayne Wettlaufer (Kitchener Centre): I am very pleased to be able to speak to the proposed Funeral, Burial and Cremation Services Act, 2002. I know you share something in common with me. You have a great deal of sensitivity to people who need protection in times of stress, in times of need, and that is what this legislation does.

This legislation, as you've already heard from the minister, replaces two statutes: the Cemeteries Act and the Funeral Directors and Establishments Act. It has four

main goals: to strengthen consumer protection, to establish clear rules under which funeral home operations will be permitted with combined cemetery operations, to foster a level playing field for industry participants, and to enable the creation of a single regulatory regime.

Interjections.

Mr Wettlaufer: There are a number of benefits that we need to address, and I'm having a hard time hearing myself speak because of the nonsense going on around here. But that's all right.

Our government has made a commitment to the consumers of Ontario, and that is what this legislation addresses. The reforms to the bereavement legislation before the assembly today are another part of the most comprehensive review of consumer protection legislation ever undertaken in this province. The reforms are sweeping but they have not been developed in isolation. Consumers, sector participants and all businesses alike have been asked for input and they have asked for reforms to accommodate a 21st-century business environment.

Stakeholders have given significant output. We are trying as a government to find a balance, to find practical solutions that will balance industry and consumer interests. We had input from the Red Tape Commission, plus we had input from the Bereavement Sector Advisory Committee, and it all forms the foundation of this act. We are confident that the proposed legislation is based on stakeholder consensus.

I personally find it a little bit difficult to think of anything more emotionally charged than making preparations for my own passing or for the passing of a loved one. I was in the life insurance business as well as the property and casualty business and, when selling a life insurance policy to a family, because it is usually the family that is involved, first of all no one wants to think that he or she is going to die, even though mortality is real. No one wants to think of a loved one dying. Least of all do they want to think of someone dying before his or her time. It's an emotionally charged item.

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What happens quite often is that consumers will make their first foray into this industry at a time of bereavement, at a time when they are vulnerable. So what happens? Because of their vulnerability, they then make a financial commitment, a commitment (a) that is significant and (b) that is not one they may be fully prepared to handle. The financial commitment that someone makes when discussing a funeral is the fifth largest purchase that one will make in their lifetime. The average cost of a funeral is about \$5,700. Considering that many people have less than \$5,000 life insurance, they then have to go into their pockets and sometimes don't deal with that properly and they will purchase something they can't afford.

The consumer expects that we will strengthen his or her protection, that we as a government will strengthen the protection of the consumer. The consumer must feel secure that we have put in place the necessary mech-

anisms to protect them when they make the crucial decisions regarding bereavement arrangements. Consumers need to feel secure that they have the means by which to change their bereavement arrangement if the situation changes. Consumers need to feel secure that their financial investment will not be squandered. They need to feel secure, period. I believe this act does provide that security.

Most members in the bereavement sector, whether they be funeral dealers, whether they be—well, whatever segment of the bereavement sector, they deal with their clients in a very respectable and honourable manner. In fact, I have to tell you, in my riding I can't think of one who wouldn't. They're all honourable people. But I have heard of instances, as I'm sure we all have, that throughout the province there are some situations in which clients have felt they haven't been treated honourably or that through mistakes they feel they haven't been treated properly or that there are those who confuse consumers deliberately, or not necessarily deliberately, or perhaps there have been those who through poor management did not deliver the product or service as the consumer expected.

What we've done with this act, the proposed act, if passed—and I would like to think that it will be passed. I cannot believe that the members opposite would not vote in favour of this.

Mr Rosario Marchese (Trinity-Spadina): Come on. How do you know?

Mr Wettlaufer: I say to the member for Trinity-Spadina, I know there is a possibility that there will be members opposite who will say they're going to vote for it and then won't vote for it, who may speak in favour of it and then vote opposed. On the other hand, they may speak against it and vote for it.

Mr Marchese: Who would they be?

Mr Wettlaufer: If Dalton McGuinty were to appear in the House, it may be that they will speak against and for, and vote for and against. That is a possibility. I'm saying that.

But I do say that I really do believe all of the members will support this, because this bill prohibits unfair business practices; it increases disclosure requirements; it allows for mandatory 30-day cooling-off periods with expanded cancellation rights; it permits consumers who hold interment and scattering rights to sell rights that they no longer require; it expands trust requirements for pre-paid services; and—this is very important—coming from a profession in which we had to maintain a trust account for the benefit of the consumers, I see this as a very valuable part of this bill: consumers must be protected financially, and only a trust account can do that.

This bill also licenses sector participants, who were previously unregulated—specifically, casket and market retailers. It provides that all licensees must comply with a code of ethics. Whereas right now funeral directors are subject to a code of ethics, this act will require all those in the bereavement sector to abide by a code of ethics. It guarantees consumer compensation schemes that will include all sectors that are regulated.

The proposed legislation will protect consumers through all phases of the bereavement arrangement. This would start with the decision-making process, it will continue through the contract process and then, of course, finish with delivery of the commitments governed by the contract.

The first step in protecting consumer interests, of course, is to prohibit unfair business practices. Falsifying information, false advertising and the furnishing of false information will all be prohibited, and there will be very stringent penalties in place. The proposed legislation will give power to control current advertising, and also regulations will be in place that will require advertising to be pre-approved before publication. No false advertising will be permitted.

An informed consumer definitely is the best defence against unfair business practices, so obviously disclosure requirements are part and parcel of this legislation—including, of course, ownership disclosure. Educational brochures and standardized price lists are mandatory. They're part and parcel of the disclosure requirements. Licensed operators will be prohibited from selling at a cost that is more than the price indicated. "No surprises" will be part of this legislation; no additional financial burdens for the consumer.

I think all of us in this House realize that no matter how carefully a consumer may make a decision, no matter how carefully the element of the bereavement sector has tried to make the consumer aware, nevertheless there are situations in which the consumer may want to change his or her mind. That could be a function of his or her emotional state at the time; it could be a relocation of residence if a pre-arranged negotiation has been made; it may be a function of a change in the financial circumstances; or it may be a function of a new interpretation of the loved one's last wishes. I think we can accept that. We can appreciate that. We have to be willing to accept that consumers may want to change their mind about how they want to proceed. I think if we had legislation without a remedy for these situations, it would be incomplete legislation.

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The act will accommodate this changeable nature. It will ensure appropriate protection nevertheless for members of the industry. The proposed legislation takes the human factor into account. There will be this 30-day cooling-off period and expanded cancellation rights for the consumer. But the consumer must realize that, with any expenditure on his or her part by the member of the bereavement sector, there has to be some allowance that the bereavement sector be reimbursed for that. The consumer will be able to rethink the decision, fitting in with his or her financial constraints or personal beliefs, but the member of the bereavement sector nevertheless would have his financial obligations satisfied.

The purchase of licensed supplies or services by an individual other than interment and scattering rights may be cancelled at any time before delivery—however, less the prescribed amount that could be compensated to those businesses.

Stakeholders identified to us a need for flexibility in certain areas of contractual obligations. They gave as an example someone who has purchased prearranged services, but even though they planned their funeral—not just the funeral but the scattering rights or the burial; they did everything they thought was right—they may decide to move, for whatever reason—for economic reasons or for other reasons—to another city. Therefore, they are in a position of having to change their mind for their bereavement arrangements.

The new legislation would allow for routine life changes like that. It would permit someone to sell their interment or scattering rights to a third party if they no longer require them, unless the cemetery bylaw prohibits such a sale. In instances where resale is prohibited by a bylaw, the cemetery owner would then be required to repurchase the rights from that rights holder, in accordance with this legislation.

Protecting consumers must extend well beyond the decision-making and transitional phases. This is where I get into the trust fund process. It is so necessary to have the trust fund in place. It ensures that consumers are not only being protected during the initial transaction but also in the future when obligations of the contract must be honoured.

Licensed operators will have to maintain trust accounts. Money received by an operator in respect of sale of supplies and services in advance of the provision of those supplies and services will have to be held in a trust account. The monies must be held to protect the consumer. Cemetery operators who sell interment rights or scattering rights, especially with respect to a part of a cemetery that is not yet developed or ready to be used for interment or scattering purposes, would also be required to hold that money in trust, the money received from sales.

Cemetery owners who sell interment rights or scattering rights would be required to establish and maintain a care and maintenance fund to ensure the proper care of cemetery lands and their markers and structures. Again, this is protection for the consumer which was recognized by the stakeholders. Legislation that doesn't protect consumers or legislation without teeth that does protect consumers is not legislation. Legislation, as we all know, must have teeth, and this legislation does.

As I mentioned earlier, licensing is part of it. Regulation of the bereavement sector, which now includes licensing, will cover cemetery operators and their sales representatives, crematorium operators and their sales representatives, funeral establishment operators, funeral directors, transfer service operators and their sales representatives, casket retail business operators and their sales representatives, market retail business operators and their sales representatives, and on and on. Of course, they must all comply with a business code of ethics.

The Acting Speaker: Members now have up to two minutes for questions or comments on the government's leadoff debate.

Mr Bruce Crozier (Essex): I'll be having more to say on this particular bill as we move into our leadoff, but it

was interesting to me that the member for Kitchener Centre would assume without any reservation that we would support this bill. That's not always the case. That would assume that somebody has written a perfect bill, and that would also assume, then: what's the point in having debate?

This is a very interesting bill. There's no question about it. It isn't often that we deal with consumer issues in this Legislature that involve death, that involve the funeral business, that involve cemeteries.

I just wanted to say to the member for Kitchener Centre that there may be, and in fact I think we will point out through debate, some areas in this bill that can't just simply be accepted because the member says we should. Absolutely when it comes to consumer protection in this very sensitive area we're all interested and we all want to do the right thing. But that doesn't simply go to the point that because the government is presenting this we should do it without any issue. So I suspect, as we get on in the debate, it may even surprise the member for Kitchener Centre that there are some issues that we will take the government to task on. There may be some areas that we'll ask the government to consider doing in a different way. So I just ask him to be patient. When the debate is finished, I'm sure we'll all have the bill that we want.

Mr Marchese: I do not want to make light of a very serious discussion here, but I must confess: funeral, burial, cremation services are not subjects around which I ruminate much. I do have to say that I concern myself more with matters of the living than I do with matters of the dead. I must also confess that I personally rage against the dying of the light and I do that as best as I can, as often as I can, because I enjoy being awake and being alive. I've got to admit that. So one could spend more time on these matters, and others do—God bless them—but no doubt there are matters that other people raise with respect to this bill.

People worry about the imposition of new charges, fees or levies for small congregations. I'm sure they're concerned and they probably talked to you about it. They're worried about the imposition of new administrative burdens and personnel qualification requirements on volunteers. They probably talked to you about that, and I don't know how you deal with those issues. I suspect you're not dealing with them in the bill, but maybe in regulation, and I'm not quite sure whether people feel comfortable about whether you're doing that or not.

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They're worried about any provision that might lead to new property taxation. That would certainly be an incredible burden. Some would love to make sure funeral services at least are kept within family control versus corporate control. Maybe you heard about that. I don't know what you have to say about that.

I'm personally concerned about having a consumer watchdog, of which you speak much about, in terms of protecting consumers. I argue that unless you have a consumer watchdog out there, I'm not sure consumers

will be supervised very well or protected very well. That's why we need hearings.

The Acting Speaker: The member for Mississauga has been on her feet for the better part of half a minute. I gather it's because you'd like the floor.

Mrs Marland: Yes.

The Acting Speaker: Please go ahead.

Mrs Marland: Thank you very much, Mr Speaker.

I just want to take the opportunity to emphasize my personal appreciation and that of my constituents for the fact that Minister Tim Hudak has finally brought forward a bill that has been needed for a very long time—I would suggest through two previous governments and realistically through the government before the last two governments, going back to our own government.

This is obviously a very complex subject. When we talk about making decisions in this place on behalf of our constituents and their well-being, I doubt there can be anything that's more important than this subject area. I would be very surprised if anyone in this Legislature would vote against this bill, recognizing there is, and has been for a very long time, a need for protection of the consumer.

The interesting aspect, as the minister so well explained, is that the whole approach to funeral services and the accompanying parts of that—whether we're talking about monuments, caskets, cremation or cemeteries; everything to do with what happens to our loved ones on their demise—is a critical personal responsibility for each of us within our families, but certainly as legislators we have an enormous responsibility to serve the public, and this bill does that.

Mr Michael A. Brown (Algoma-Manitoulin): Up front, I have to say to the Legislature that I potentially have a conflict of interest. I am a licensed funeral director, although I have not been involved in the business for approximately 16 years now.

But I want to say, first of all—and members might not remember, but the member from Mississauga South would not be surprised that I remind her—that there was a funeral directors' act passed in the late 1980s with the support of all the members of the Legislature.

I want to suggest to the Legislature that probably the problem is not with the funeral directors. This legislation is not directed at funeral directors. Funeral directors conducted about 83,000 services in Ontario last year. Of those 83,000 services, do you know how many complaints there were? There were 26. Of the 26, half were made by other funeral directors. In other words, families in Ontario complained 13 times out of a possible 83,000 times about the funeral directors in this province.

I would suggest that families in this province have been well served by funeral directors. We have many women and men who have devoted their lives to helping people through one of the most difficult stages in anyone's life, losing a loved one, and they turn to funeral directors. And people might know, or might be surprised, that at the time of the loss of a loved one, when families are asked who was the most helpful person who got them

through this dark stage in their life, they name the funeral director. So I think what we need to understand here is that this is not about funeral directors.

The Acting Speaker: The time for questions and comments has expired. Any one of the members who gave the leadoff debate may respond, up to two minutes. Minister.

Hon Mr Hudak: I appreciate the comments from my colleague Mr Wettlaufer and my colleagues from across the floor. In their two minutes, we'll look forward to their discussion. Certainly, this industry, as I indicated, is very complex, a great deal of history and tradition, and at the same time, we're seeing the face of Ontario change, the culture evolve in the province. That's why it's important to bring this legislation forward.

As the member from Algoma-Manitoulin mentioned, the last kick at the can, so to speak, I think, was 1989. I believe his colleague Mr Kwinter was minister at the time, if memory serves, and brought forward some important changes to modernize the legislative framework. If Mr Kwinter has a chance to comment on this legislation, I'd enjoy hearing from him as well.

The member for Algoma-Manitoulin makes a fair point. The funeral services industry, as I indicated in my remarks, has a code of ethics, and they have a board to ensure that code of ethics is maintained. They also have a compensation fund. The issue, I mentioned in my speech: they don't exist in other parts of this sector—but the entire rite involves a funeral, often a cemetery or cremation, monuments, as well as casket retailers, all of these areas. We need to ensure as a whole that where the loved one has passed on, the family member will be assured of those similarly high standards, or that even higher standards across the board will exist for consumer protection.

Similarly, in the business practices, it will level the playing field so that opportunities that exist currently only for cemeteries will be available to funeral service directors, for example, and vice versa but on a level playing field with similar rules. As I said, to the credit of the other industries that are not currently as tightly regulated—for example monument builders, casket makers—they want to get involved, they want to ensure that those high standards are throughout the industry, and they want to ensure that consumers have the opportunity to find redress if not dealt with properly. They deserve that credit; they were part of the process. I want to thank, again, Bob Youngs, who is here from the Ontario Monument Builders Association, joining us here in the gallery—from Niagara, may I add, importantly.

The Acting Speaker: The time is now upon us for the leadoff debate of the official opposition. The Chair will recognize the member for Essex.

Mr Crozier: I'm pleased to rise this evening to speak to this bill, Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes.

I want to say at the beginning of the debate that in the abstract this legislation, this Bill 209, has to stand up to

the same test that any other piece of legislation must stand up to: on first reading, the bill is introduced. We then have the opportunity to review the bill, all of us, government members, members of the opposition and members of the third party. Then, second reading of the bill, which we are standing on tonight, is to debate the principle of the bill, and I don't think that there is much argument as to the fact that if the principle of this bill is to protect consumers, we all want to reach that end at the end of the debate.

There may be, though, differences of opinion on how we do that. This is one piece of legislation, I suggest, that is not partisan in nature. It isn't a philosophical bent of any particular party; we all want to do the right thing. But I remind a couple of members from the government side who have insinuated that we should accept this bill and adopt it and not be opposed to it that we're not opposed to the principle of the bill. I can go on record as saying that. What we might be opposed to is how you're arriving at that principle.

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Of course, in the legislative procedure, what we do then is debate the principle at second reading. It then is normally sent off to committee, hopefully for some public hearings, because there have been stakeholders who have had the opportunity to have input into this bill, we are told, but I'm not so sure those stakeholders included the general public. Once they learn more about this bill, they may have something to say about this. So while it's at committee, it's hoped on our part that there would be public hearings on it so that the public could understand what it is we're talking about. Then after those public hearings, at committee, the right thing to do is to consider amendments to it, to make that bill better, if that's what we can do. Then it comes back to the Legislature for third reading so we can debate the bill after it has been amended.

I'm going to make a prediction that if this bill comes back to the Legislature after second reading, and in fact I'm going to make a suggestion that even before it goes to committee, if the pattern is followed that has been followed in this session in particular, this bill will in all likelihood be time-allocated. In all likelihood, it will have limited committee hearings—I hope that it has public hearings but I'm not optimistic about that—and in all likelihood will be brought back to the Legislature and have no third reading debate.

The Acting Speaker: I'm sorry to interrupt you. Could you take your seat for a second? I know no one is doing it deliberately, but there are two discussions going on on both sides of the House involving people standing and congregating. For anything more than a moment or two, please go outside, because it is very distracting for the speaker on the floor and the Speaker in the Speaker's chair. I appreciate your co-operation. Thank you.

Sorry for the interruption. Please continue.

Mr Crozier: Notwithstanding those predictions, I want to get on with the debate of this bill. I would hope that the government members who have suggested we

support this out of hand will take into consideration some of the issues we have to bring up on this Bill 209.

This bill repeals the Cemeteries Act and the Funeral Directors and Establishments Act and replaces them with one statute. The act will be administered by the Board of Funeral Services.

This bill is going to cover a wide range of issues. It's going to cover the licensing of funeral service providers, consumer protection, trust accounts for cemetery maintenance and prearranged funerals. It's going to cover compensation for consumers, the establishment and closing of cemeteries, and the investigation and discipline of licensees.

To give you a little bit of background about this particular bill—and my colleague from Algoma-Manitoulin referred to some of this—there are approximately 500 funeral homes in Ontario that conduct in excess of 80,000 funerals every year. The average cost of a funeral is \$6,000—probably one of the major expenses any of us will face as we go through life and as we care for our loved ones. Probably next to the purchase of a home and automobile, funeral expenses are next in the major expenses that we will incur.

As my colleague mentioned, of those 80,000 funerals last year, there were a little more than 20 complaints to the Board of Funeral Services, and half of these complaints were from one funeral home to another. So one would ask, what's broken, what's the problem when we have so few complaints out of some 80,000 funerals? Well, perhaps because of the sensitivity of this issue, the bereavement process, what families go through, we might say there isn't perhaps a lot to complain about. We generally deal with, in small towns certainly and I would even suspect in major urban centres, people we know, and we trust those we know. Therefore that's a good enough reason that most, by far the greatest percentage of, funerals that are conducted in this province are carried out and completed with little complaint.

Funeral homes and cemeteries have been governed by two separate acts for over a century, and the legislation governing funeral homes has been, in the past, very stringent. Funeral directors are licensed, and they go through a two-year college program before working in the industry. Legislation, as we have it today, prevents funeral homes from operating on the grounds of cemeteries, for example, in order to prevent monopolies.

However, over the past few years, large cemetery operators have opened visitation centres on cemetery grounds. Essentially, a visitation centre is a funeral home without a preparation room. Some of these large cemetery operators have expressed a desire—and maybe even some of the small ones, although not any I've heard of in my area, where it's small urban and rural—to have funeral homes as part of an overall service and that they might be located on cemetery grounds.

The new legislation will give cemeteries the ability to build funeral homes on the cemetery grounds. This will create, in my view, the opportunity for the funeral business to become much larger than it has been in the

past. In fact, many of us may know of a particular large funeral operator in both the United States and Canada—and I look to my friend from Algoma-Manitoulin—the Loewen Group operated in both countries? Yes. They have in fact run into some financial difficulties. So just because it's a large operation that provides a significant service, it doesn't mean that they can't run into some of the problems that some of us might think smaller operations could.

Some specific details in the legislation: the bill requires the licensing of cemetery operators and sales representatives; of crematorium operators and sales representatives; of funeral establishment operators and funeral directors—who have, I pointed out, had to be licensed in the past—of transfer service operators and their sales representatives; of casket retail business operators and their sales representatives; and of marker retail businesses and their sales representatives. So in each of these cases, as I've said, there are sales representatives involved, and therefore we do need consumer protection. There's no question.

Purchasers will be entitled to cancel a contract at any time if the specified requirements of the contract are not met. A 30-day cooling-off period for prepaid services, for example, will be required. All monies from prepaid services must be held in a trust account, as it has been in the past. I do not know of—certainly none that have come to me in my constituency office—anyone who has dealt with prepaid services that were required to have trust accounts, who lost any money. There may be examples that others in this Legislature are aware of, but I'm not.

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The board of funeral services will have certain powers over casket retailers and sales representatives, as I've said, of transfer operators. What's been the stakeholders' reaction? The government has said it has consulted widely on this issue, and there were a number of stakeholders, certainly from the retailer side and various religious organizations, who have had some input to this. Again, I'm a bit concerned—and it's a difficult thing to do—that the general public has not had the opportunity to have any input to this. Private funeral home operators are concerned, I can tell you, as they feel this legislation will allow large monopolies to take over the business.

The faith groups are concerned that the imposition of new charges, fees or levies will have serious consequences for small congregations, mosques, synagogues and parishes that operate small cemeteries. There are cemeteries in this province that have as few as a dozen or two interments a year, totally unlike the large cemeteries in a metropolitan area; for example, like Mount Pleasant, where they have thousands of interments each year. These small cemeteries have to be assured that they won't be put into the same category as some large operator.

The faith groups are also worried about the imposition of new administrative burdens or personnel qualification requirements, as much of the work is done by volunteers.

We have to take these smaller congregations and smaller groups into consideration, because there are many of them around this province, I would suggest, particularly in the areas where the population is much more sparse; for example, in northern Ontario.

There's also a concern about any provision that would lead to any taxation issues. We wonder, for example, with these thousands of cemeteries around the province and with over 500 funeral home operators in the province, who really is going to go around the province and make sure that all these licensed companies and licensed individuals are following the letter and the spirit of the law. It costs money to do that. This is where the smaller operators are concerned that the fees involved with this will be particularly onerous on them. Under those circumstances, I suspect you're going to have to wait for a complaint. I expect that since a funeral service isn't a purchase that people make very often in their lives and is one that's made without a great deal of research, complaints might not be forthcoming. So the law might not be followed, and the complaints may be few, as we know already they are. So how is this legislation going to be administered and monitored so we can be sure, notwithstanding the fact there may be a complaint, that the consumer is being treated fairly?

Often in this situation and in many others, people really don't know whether they have been duped. It seems that most often it's on the consumer to report any shady or manipulative tactics, just as he or she would complain about a bad wiring job at home. I'm not trying to trivialize this at all in making that comparison, but it's just the kind of service we don't hear a lot of complaints about.

We know, for example, that the Association of Municipalities of Ontario is not happy with the legislation as it's presently proposed. They're concerned about the fact that cemeteries and all of their related expenses will become the responsibility of municipalities if they're abandoned by their operators and the municipalities will receive no compensation for that. At the present time, I am told, municipalities in Ontario operate 47% of the cemeteries, and they're concerned that this board that's going to be formed to oversee this legislation will not reflect the interests the municipal stakeholders have in the operation of these cemeteries that are abandoned.

So although we, again, appreciate the sensitivity of this legislation, there are some facts, some real concerns about the bottom line, the costs of them. The legislation is not endorsed by all the stakeholder groups who were involved in the consultation on it. As I pointed out, there may be some serious repercussions for faith groups, private home operators and, yes indeed, the consumer.

I hope through the debate on this issue that we can be better informed about how the changes came about, but it would appear that it may be more the interests of large operators that are being served by this than it is of small, independent and volunteer workers in this market.

The legislation, as it's written now, doesn't create a level playing field, in my view, as the cemetery owners

and funeral home owners are at the present time subject to totally different tax issues. We would, again, hope that this might be addressed throughout the discussion on this legislation.

We're told that the government started consultations on this legislation about three years ago. They've put forward a bill that in some instances we think creates more problems rather than solves them. In a letter to Minister Hudak dated September 20 of this year, the Canadian Federation of Independent Business states, and I quote, "Our reading of the legislation is that there are areas where it does not respect the agreement of principles put forth by the Bereavement Sector Advisory Committee to your predecessor" of Minister Hudak in some correspondence in November of 2001.

We suggest to the government that although you've taken several years to come up with changes to the legislation, which hasn't been dealt with in the last 12 or 13 years, you apparently disregarded many of the recommendations you were given. Smaller stakeholders, like the faith organizations and small municipal cemeteries, were initially, we are told, left out of the discussion. That again goes to the fact where I wonder who the driving force is behind the changes in this legislation.

Currently, it might be of interest for you to know, Speaker, the top 10% of cemeteries in this province make most of the money. Soon, we feel, they could be taking an even greater share of that from independent operators.

We feel that this legislation, as it's currently written, is a threat to smaller funeral homes. Allowing funeral home operators' involvement with commercial cemetery operators will, we think, result in large corporate monopolies. As I alluded to a little bit earlier, at least in my experience in small, urban and rural Ontario, we're used to dealing with independent funeral directors and operators in our own communities. Many of these operators, if not all of them, are involved in their community. They're part of the community. It's more than just a business; it's really a service to the community. We don't want anything in any legislation that would be a threat to those smaller funeral homes and operators. If smaller, independent funeral homes become no longer viable, consumer interests will in fact be put at risk. That's the way we feel monopolies work.

2020

In this bill, there are a number of problems. There's still not a level playing field when it comes to taxes. Private sector funeral homes, monument builders and retailers must all pay taxes levied by all levels of government. I have had, for several years, the example a small, independent monument maker who, because of the nature of his business—he is independent, separate from any faith group or cemetery—must collect provincial sales tax. Yet, if you are involved with a faith group or a cemetery, you don't have to pay provincial sales tax—maybe not much of an advantage. I would suggest that if we were going to resolve that, perhaps we could take the view that there shouldn't be any provincial sales tax, whether it's small independent operator, a faith group or a cemetery.

Private sector funeral homes, as I said, are concerned about the taxing issues. Municipal cemeterians who engage in the same business, however, may not be presented with these issues. If you're talking about markets and fairness and making things equal for all players, then surely we have to take all of them into consideration and treat them the same. If not, we feel that you're continuing or ensuring the continuation of a group that gets some kind of special treatment, one that can keep costs down, compared to someone else. So this is something that we feel should be addressed before this legislation becomes law.

When we're speaking of taxes, crematoria, in this legislation, will not have to pay taxes for five years after it's enacted. I understand that rather than suddenly creating a tax issue, it's an effort to allow this to be brought in over time to ease that burden. But in the meantime, does that treat others who are involved in the business fairly? That is something that deserves some second thought. It presents an advantage, for example, over any new business that might wish to start up. You seem to be favouring the older business at the expense of the new, even as you say you wish to increase consumer choice, but there won't be that consumer choice because one will have advantage over the other. It hardly encourages consumers to choose the small crematoria that starts up and is forced to charge the taxes which therefore make the prices higher overall.

Greater consumer choice is usually a good thing, but we have to be careful not to surrender ourselves to the cult of choice and market forces. In the circumstances surrounding a loved one's death, when a family is confused and vulnerable, the family doesn't exactly fit the classic definition of informed consumers. They're not going to go out, at least not usually, and compare quotes, and those few that do don't represent the majority. As I mentioned earlier, most often I think they go to those whom they trust and whom they know. If they're not in a position to do that, then they may do what appears to be the easiest thing and go to the one that offers the least hassle.

That's why we need greater consumer protection—and I agree with the minister on that view—in this industry, because at that time, consumers are not always able to think in the most clear terms. We feel that this bill, in its present form, doesn't offer that. The bill makes it easier for large corporations to take over in the marketplace. They can offer you—I almost hesitate to use the words "one-stop shopping," but that's what it is—one-stop service. If we allow them to have funeral home, cemetery and monument service all wrapped up in one package, we feel that might not be in the consumers' best interests when they're making a decision at a time when they're the most vulnerable.

We feel you really can't treat the bereavement industry like any other industry. You can use formulas, and you can do everything from fines to licensing to advertising, but we have to understand that there are unique characteristics and requirements of this sector.

As we've pointed out, of the 26 complaints made to the Board of Funeral Services last year, half were made funeral home to funeral home. I assume that means the other half, the other 13, were made by consumers. Maybe it's my cynicism, but I'm wondering who this bill sets out to protect in regulating these complaints: the big business or the consumer? We're in desperate need of consumer protection in this province in a variety of areas. We have to be very careful that we don't simply treat this industry like many of the other industries that we deal with from day to day. At any rate, 13 consumer complaints out of a total of 80,000 funerals is really a trifle compared to what we face in all of our other purchases from day to day.

Some of the groups have said that final authority must rest with the minister. That's because they feel the minister is best able to, at arm's length, take their concerns under consideration. By delegating to a self-managing authority, the Board of Funeral Services, though, individual groups like faith communities are afraid that they won't be able to access the minister directly and that if they're not able to do that, they may not be able to present their concerns as well as a large corporation might be able to do.

As always, there's much that's in the regulations that we don't debate in a bill. So as we go to committee with this bill, I would ask the minister that some of the regulations be addressed as well, if it's possible. By doing that, I think we can all better understand the legislation that's being put before us, the objective of that legislation and the fact that we all do want to protect consumers.

With that, I will ask my colleague from Algoma-Manitowlin to say a few words to you.

2030

Mr Brown: I want to thank my colleague from Essex for his presentation, and start by saying to the government that this is an important and significant piece of legislation. This legislation will touch virtually every Ontarian at some point in his or her life.

I heard someone earlier say that this was about the dead. Nothing could be further from the truth. This is about the living. Legislation relating to the bereavement sector is about the living. It is about the families. It about those who survive. It is about those who are able to get on with their lives following what often is a tragedy in a family.

I, as I said before, am a funeral director. I've not been working in the field for some time but believe I do know something about it. The minister would have done himself some good, in my view, if he had provided those of us on this side of the floor with the submissions of those who responded during his consultations so that we understood where the various parties to this bill came from, what they were thinking, what views they brought to the table, what concerns they may have had. It puts an opposition that is trying to be constructive in a difficult position when you present a bill at the end of a week, and the next Monday evening we're debating it. This bill is

86 pages long. It is a considerable undertaking—to use a pun, I suppose; I was waiting for somebody to do that—to understand how this all came about, particularly if you understand the funeral directors act of, as the minister says, 1989, which was the last revision of that act and which apparently works reasonably well. The emphasis in this act apparently is to bring the other sectors up to a standard where the funeral directors have been for some time.

That may not be quite a fair statement, but I think maybe it is, because the funeral directors act of 1989 had as its premise that separating the sectors, making sure there was transparency between the sectors, that there could not be tied selling between cemeteries, funeral directors, monument providers etc, was a good thing and that it would protect the public because there was some transparency in the transactions. But we know the act was not successful in doing that. We know that especially large corporations, some of them not-for-profit corporations but nevertheless very large corporations, have found ways around the concept of the 1989 bill. They put visitation centres, for example, in cemeteries. You don't pay municipal taxes on visitation centres. They put funeral directors at a distinct disadvantage as various sectors started to sell monuments, making it very difficult for monument dealers to ever actually approach a client. We know that, as well-intentioned as the 1989 legislation was, people found a way to run around it. To be fair, in many jurisdictions, probably in most jurisdictions in North America, there are combinations of cemeteries, funeral directors and the various other businesses that might be associated with that.

I have some grave concerns, however, about sales forces. The minister should know that this bill provides for—listen to this—the licensing of cemetery operators and their sales representatives, crematorium operators and their sales representatives, funeral establishment operators, funeral directors, transfer service operators and their sales representatives, casket retail business operators and their sales representatives, and marker retail business operators and their sales representatives. It's very interesting, because what that would say to me is that there is somebody out there selling. The funeral directors act, by the way, precludes that; you cannot solicit sales if you are a funeral director. I think that's a good thing.

Mr Frank Mazzilli (London-Fanshawe): They advertise all the time.

Mr Brown: Yes, you can advertise, but you cannot directly solicit. You can't phone up Frank Mazzilli and say, "Hey, Frank, how about...?" It can't be done.

The issue is that most, for example, cemetery salespeople—I don't know if the members know this—would be on a commission basis. They sell on commission. That's how you sell graves and plots etc in cemeteries. I presume many people in the retail casket business, whatever that might be, are on a commission basis. I presume that marker or monument salesmen are often in a commission sales position. I would suggest to you that we don't want that rolling into the funeral business.

Presently, as people would know, under the funeral directors act, if you were to prearrange a funeral in this province, 100% of the money provided to the funeral director is placed in trust—not 99%, not 98%, not 97%, but 100%—which means there is no room for commissions. It's not hard to figure that one out. And that's the way it should be left.

I look at the Minister of Labour over there; he's looking very interested in this particular issue. I think he would agree that you do not want people, door to door, selling funerals on a commission basis. I think we can all understand what kind of difficulty that would put us in. I would like to see in this act a provision that makes it very clear that commission sales are not possible; frankly, I would prefer that it be in the cemetery business also, but at least in the funeral directing portion of this act.

Mr Mazzilli: How about mausoleums?

Mr Brown: Mausoleums? Those are cemetery crematoria. That's another issue that I think is interesting and we need to canvass more. We desperately need public hearings to talk about this and to understand from stakeholders what it is that we're trying to accomplish. We know that the cremation rate in Ontario is now roughly 50%. That, in my view and in the view of most people, will continue to go up. It will probably approach 80% to 85% in the next 20 to 25 years. There are a number of reasons for that, but it has changed a number of the ways we approach this sector.

I understand that the bill—although I haven't specifically been able to understand how it does this—for the first time actually provides status for cremated remains. At the present time, cremated remains, under the common law and the law in general, really have no particular status. I think the law looks at it that you may do anything you wish with them unless it causes mental anguish to another person. That needs to be changed, for a number of reasons, in this new relationship we're going to see. When we look at columbariums, which are essentially mausoleums for cremated remains, we're seeing those because at the moment there is no status for cremated remains. You can put them virtually anywhere, and people are. I think that's not in the public interest. I don't know what people across the floor might think, but I'm seeing some things in my mind that I wouldn't like about that particular issue.

I suggest to you that there are a whole lot of issues here that the government isn't addressing, but I am particularly concerned about the cemetery side. On the cemetery side, it talks about all this wonderful regulation and bringing it to the standard of the Board of Funeral Services, I guess. The problem with that, as my friend from Essex pointed out, is the small rural cemetery, the faith community, the small churchyard cemetery. You cannot do it. I'm here to tell you right now, it cannot be done.

2040

I have, over the period of being a member, been approached many times by people concerned with the state of rural cemeteries. I'm going to read this letter I

received almost a year ago now. It's from Donald Shackleton, who's the chairman of the Tarbutt Township Cemetery Committee, RR#1, Desbarats, Ontario. He says:

"I am the chairman of the cemetery committee for the township of Tarbutt and Tarbutt Additional. In the boundaries of the municipality, we have two cemeteries. One of these, the Port Findlay cemetery, is used. The other one, the Stickney cemetery, was closed in 1916. There have been a few burials there over the years, but none for quite some time. This cemetery is the final resting place of the pioneers of the area. There was little to no upkeep done between 1916 and the late 1990s, so you can imagine the mess. In the late 1990s, some volunteers went into the cemetery to do some brushing, but found it impossible because of the forest of trees. We arranged for someone to come in and cut the trees and remove them with payment being the wood. Since then, we have been looking for funding to bring the cemetery back to its original condition. The majority of the graves are sunk in, there are tree stumps everywhere and a lot of the headstones need repair. The fence surrounding the cemetery also needs to be replaced. We have come to dead ends everywhere, but have a few leads.

"Are there any grants available," is what Mr Shackleton is asking, "from the federal government" or the provincial government "regarding historic sites" and regarding the restoration?

I don't think the Stickney cemetery is likely to have the kind of dollars that you're going to need from your regulatory regime to make it work. It isn't going to happen. I would suggest to you, over my constituency there are many of these cemeteries. There are some in the Bruce Mines area, there are some as you go through Iron Bridge, as you go back toward Espanola, certainly on Manitoulin. I would tell you at one of the small cemeteries on Manitoulin that I used to need to work with on occasion, they sold the graves at that cemetery for \$6—\$6 for a grave. Perpetual care at 35% of that was about \$2 they put in trust for every grave they sold. That isn't going to cut the grass for very long. But you know what? That cemetery was looked after by the community. It was a well-kept cemetery. People did those kinds of things for free. The opening and closing charges on a grave were very minimal, and the money was donated to the cemetery. The community looked after seeing the grave was open.

I suggest to you, that happens all over Ontario. It doesn't happen in the big cities, but in rural Ontario it is a reality. I don't see anything in this legislation that addresses those realities of those communities that need to have assistance. They can't afford to pay. They're looking for money from somebody else. AMO, the Association of Municipalities of Ontario, is very concerned that many of these cemeteries will eventually have to be taken over by the municipality and eventually the municipality, out of municipal coffers, will have to do the restoration.

I don't think the model that the government has for administering the cemeteries is going to work. It might

work here at Mount Pleasant, the Necropolis and various other very large cemeteries here in the city of Toronto or in London or in Hamilton or Ottawa, but I'm telling you that in Middlesex county there will be quite a number of small rural cemeteries that aren't going to be able to work in this regime. I think you have created something that just will not work, and I think you've done it not for the consumer. That's the really strange thing here. I think you've done it because the business community has found a way around the old act and you're trying to catch up. You're trying to figure out how to put this square peg into a square hole rather than into the round one that it's being pushed into today. I think it is not in the interest of consumers to have the combinations in the first place. But if we must have these combinations, then clearly that's what this legislation is about. It is about these combinations. If we have to find a way to deal with these combinations, I think we'd better take a deep breath. We'd better take this bill to committee. We'd better have the opposition furnished with the comments we had from the people who submitted in the "consultation."

I'm not sure the red tape that you're convinced we need in this bill is going to accomplish what you want it to. From a government that likes to talk about red tape, this bill has more potential for red tape than any bill I've seen in here in a long time. I think the minister would also do himself some credit if, when it comes to taking this bill to committee, he brought some of the regulations along with it. There is grave concern in a number of areas that this bill does not spell out what the minister says it does. It is a permissive bill. In most cases, it does not give us the regulations. If we don't get regulations that people, for example, who are concerned about commission selling can actually see, read and understand, then I think it wouldn't do any member in this Legislature any good to pass this bill. It would be a mistake.

I think we need, as legislators, to take the opportunity here—and I think there is a real opportunity to get this right. I think there's an opportunity to have the support of all parties in the Legislature. I think there's an opportunity for the government to show that it really does understand this sector. I think that would come from providing us with hearings, with information, with time to get a little bit of a deep breath. I know the critic and myself spent much of today talking to groups on the telephone, and there are still many more to talk to that we just really don't have an opportunity to talk to because we didn't even know we would be debating this bill until late last week. We hadn't even seen the bill till—the first time it was printed would have been Thursday, I believe.

So I think in fairness the minister has to understand that if we want to get this right—if you want the support of other people, which I would think you would—it needs to go to committee with the regulations attached to it, or at least the important regulations, so we can put meat on the bones here, so that we can understand that the consumer in Ontario really will be protected. This is not about protecting the business community or protecting a particular group in the province. It really is

about protecting consumers at a time in their lives when they are very vulnerable. I think we should recognize that.

With that, I think I'll conclude my remarks, but I would hope that someone on the government side could stand up and give us a commitment that it will be going to committee, that we will be able to see the important regulations that would accompany some of the sections to make sure that we do not have a commission-selling regime involved here and that we really know that every consumer in Ontario will be protected.

I would say one more thing and it's worth mentioning, and my colleague from Essex did mention it. In the area of prepaid funerals in the province of Ontario, consumers have never lost a nickel. Yes, we've had businesses that failed, we've had some bad apples that have absconded with some money, but in every case consumers have been fully compensated from a fund that is established under the former act, or the act that's now in place. So it did provide real, true consumer protection for their funds, and nothing less is acceptable in this act for either funerals or cemeteries or any of the other parts of the sector.

So with that, Mr Speaker, I thank you very much for your forbearance.

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The Acting Speaker: Members will now have up to two minutes for questions or comments.

Mr Michael Prue (Beaches-East York): I listened to the two previous speakers, the members for Essex and Algoma-Manitoulin, with some considerable enthusiasm, actually, considering the topic, which I didn't think I was going to enjoy at all.

The member for Essex spoke about a great many things during the 30 or so minutes he spoke, but what hit home the most to me was the whole concept that this government may again invoke closure on a matter that really requires a huge amount of public input. He set it out, but I think it bears repeating: we need to look at a whole broad group of people—those who run municipalities, those who run cemeteries, those who run funeral homes, and faith groups—who have to date not had sufficient public opportunity to debate the merits of the bill or the changes that might be necessary. He set it out very well and I'd like to commend him for that. He also went on to talk about how many of the commenting agencies or groups have not had an opportunity to bring forward to the government in a meaningful way those changes they want to see contained within the bill, and I think primary among all the groups he talked about were the municipalities and the Association of Municipalities of Ontario.

The speaker from Algoma-Manitoulin talked most cogently about the problem of small municipalities, that we need to bear in mind that many of the cemeteries and funeral parlours in small municipalities may be adversely affected, although the large municipal services may be able to weather any change. The small municipalities may find themselves at a point where they have to shut

down cemeteries and places of final resting. Since many of them are historic and are the only places available in those towns, we need to protect them.

I commend the two speakers for what they had to say.

Hon Norman W. Sterling (Minister of Transportation): I've been involved in this particular area, once as the minister in 1995-96 and, more recently, in 2000-01. I can remember going back as far as 20, 25 years and trying to unravel an unbelievable mangled mess in terms of who is responsible and who can do what and who can do whatever. I was really pleased, when I went back to the ministry the second time through, that Bob Runciman had appointed the Honourable George Adams to negotiate and mediate with all the different groups that were involved. Out of that mediation, this bill has arisen. I want to assure each and every member of this Legislature that there is no political agenda behind any part of this bill. This is truly a mediated solution to a mess that didn't make sense to either the people in the industry or the consumer.

Therefore, I plead with the opposition members—yes, I think we should have hearings on this if that's what you feel comfortable with. There's no fear on our part about the outcome because the outcome should be whatever the consumer and the industry want. But let's not spend three or four days on second reading and then force the government to a closure motion and try—it's a waste of everybody's time. Let's pass this bill on second reading, put it out to committee and we will have public hearings under those circumstances. But if we're forced to the other, then why bother? We have consulted very, very widely, actually for not only the past two, three, four years, but really we've talked about this for 20 years. Let's get on with it. Let's do it in a logical sense.

Mr Dwight Duncan (Windsor-St Clair): I'm pleased to have the opportunity to respond to my colleagues from Essex and Algoma-Manitoulin. I say to the Minister of Transportation that this bill would have lent itself, ideally, to going to committee after first reading, because you're absolutely right: this is not the type of bill that lends itself necessarily to partisanship, and I realize the complexity of the issues it deals with. But I can say this: based on the conversations I've had over the last couple of days, whoever was consulted—and a number of the people I've talked to who were consulted—they don't like it and they're urging us not to support it. That's why I think this bill would have lent itself well to committee after first reading and spared the time in the House on second reading, to see if the opposition could work with the government to piece together something that would hold up.

My colleague from Essex mentioned by way of example the small, independent monument maker who has to pay PST on every aspect of what he does. Perhaps that company should have an exemption, as do the non-profits and the cemeteries in the same business. The list of these problems with the legislation goes on and on and on.

My colleagues, in indicating that the official opposition will not vote in favour of this legislation, have given

us, I think, good direction. I regret that the government did not use the provisions of the standing orders to send this bill to committee after first reading. Perhaps tonight we could have been debating pension surpluses, which—well, actually, we couldn't tonight. You forced closure on that last Thursday before we really had a chance to debate it. This would have, I would argue, lent itself to that process. Perhaps now we can go to committee.

But it's just an example of mismanagement. This government is mismanaging that whole file as well, at least based on the conversations we've had. My colleagues have put it very well: you can't support this bill in its current form.

Hon Mr Hudak: I'm pleased to respond to my colleagues opposite. The member for Windsor indicated that it didn't lend itself to a partisan process, and he ended up being quite partisan in his comments.

This is not, per se, a bill the government created that I or my predecessors had pulled out of thin air and brought forward. In fact, this has come about, as my colleague Minister Sterling said, after decades of consultation, with this government over three years with a very broad round table, with representatives from funeral services, from cemeteries, from transfer services, from monument builders, the small businesses, consumer groups as well, with that consumer protection mandate, and as such, tried to develop a consensus on principles on these issues. Sure, there's always going to be give and take in that process. Would everybody say they got 100% of what they wanted? No, I don't think any group would say they got 100% of what they wanted, because it's give and take. Would they say they got 90% of what they wanted? I bet you that the vast majority would say they got 90% of what they wanted through this process. It has been a very non-partisan, well-thought-out, well-reasoned process that has been highly consultative.

I got a nice letter from the Honourable George Adams, the justice who had helped with this process. We're indebted to him. He says, "The parties and ministry staff are to be commended for a job well done. On BSAC's"—that's the committee—"behalf and speaking personally, I also want to thank you for your ongoing support," for that committee completing its central task.

They passed on the BSAC report, which, he says, because of those "in attendance at all BSAC meetings, outlines a workable framework for the sector now supported by a very broad consensus." I want to make clear that the principles of the report were, to a one, incorporated in the legislation before the House.

Also in the letter of November 23, 2001, he says, "I am pleased to report that all outstanding differences in principle between the parties were bridged at a final meeting of BSAC held on September 13, 2001." So a great deal of work was done at that committee, and I thank Justice Adams and the participants.

The Acting Speaker: Now one of the two original speakers may take up to two minutes and respond.

Mr Brown: I appreciate what the Minister of Transportation and the minister with carriage of this bill just

said, and I agree: this does not need to be a partisan exercise. Frankly, it's too important for us to be getting into the trenches and putting on our red and blue sweat-shirts and going at it. But I think the ministers need to agree that the opposition, or frankly the private members of this Legislature on all sides, have not been privy to these discussions. We do not have the submissions from the various groups that, as he said so eloquently, acquiesced. We are facing a bill that was presented—the first time we could read it was last Thursday, and we are supposed to be here Monday night saying, “Boy, you guys did a great job. Thank you very much.” We wouldn't be doing our job if that were the case, and you know it.

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What I'm suggesting to you is a suggestion my House leader made. There's no reason now that we can't take this out—we don't have to continue with second reading. You could take it back to first and we could take it out. Let's go to committee, let's hear what the people have to say about this. I'm particularly interested. I haven't been contacted, and neither has my colleague from Essex, as far as I know, by any consumer group to say what their views on this were. We may know what some of the industry views were, but we do not know what the various consumer groups, maybe memorial societies or other groups, might have to say about this.

All we want is some information, some consideration and some time in committee so we can make, as private members on all sides of the House, intelligent judgments on this piece of legislation. I think that's not too much to ask.

The Acting Speaker: It is now time for the leadoff debate of the third party.

Mr Prue: Mr Speaker, I'm going to ask as the first item that our leadoff be stood down, with the consent of the others. The speaker for our leadoff is not available this evening, and I would propose that I be allowed to speak for 20 minutes as the second speaker.

The Acting Speaker: There's a request for unanimous consent to stand down the leadoff debate of the third party. Is it agreed? I hear no opposition; therefore, I'll declare the request and motion made. The member for Beaches-East York may now take the floor for a regular 20-minute speech.

Mr Prue: Thank you very much, Mr Speaker. It is indeed a privilege to stand here tonight to talk about Bill 209 and what we believe is necessary for this bill to be a success. Quite honestly, when I was first asked to speak to this, for an hour or perhaps for 20 minutes, I thought, what could one possibly say to a bill of this nature? It seemed to me to be totally uninteresting, and I did not relish the thought of speaking to it at all. But having done some research and having read the provisions of the bill, this is quite an interesting document—interesting to anyone who relishes municipal input, who has a sense of history about the cemeteries in this province and even someone who is interested in small family business. There's a little of each of these elements to all of it.

But what one is left with at the end, in looking at this bill, the overwhelming thing that jumps out at you is that there is a necessity here, an overwhelming need, for there to be public input—public input that has not been received in a way that is necessary for this bill.

I welcomed hearing the Minister of Transportation, when he spoke in his two-minute commentary, saying that he has no objection—and I take it from that that the government has no objection—to sending this to committee. Surely, if ever there was a time for a bill to go, this is a bill that cries out to go to committee. It cries out for all those people who might be commenting agencies, all those groups that might want to comment, but also for the general public. I think the public in large measure will be caught completely unaware by the contents of this bill, perhaps even more unaware than I was before I had a chance to read it, because contained within the body of this bill are some massive and fundamental changes to how the business of burying the dead has been done in this province for at least a century: massive changes to our Cemeteries Act, massive changes to our taxation act, massive changes to how the public will come to see the funerary services provided in Ontario.

As has been said by other speakers, we are taking two acts that have existed probably for a century—the Funeral Directors and Establishments Act and the Cemeteries Act—and we are melding them, changing them, giving them new force and new life in order to change them in a way that is fundamental to the entire funeral business in this province. It has been in place literally for years. Within what was in place up until today and up until the promulgation of this act, it was impossible for cemeteries to do funeral home business and it was equally impossible for funeral homes to do cemetery business. What we're seeing today is a new act which will allow each group to go into the field of the other. It will allow each group to take business on to themselves that heretofore they never had an opportunity to do. We have to, I suggest, proceed with some degree of caution to make sure that something that has worked well for the people of Ontario for 100 years—if change must take place, then it must take place, but we have to proceed with caution to make sure that that which has been understood by everyone in our society is done correctly. This is not a time for us to be rash. There is no need to be rash. There is nothing to be gained by not sending this to committee and there is everything to be lost by not listening to all those who are affected, all the groups: the municipalities, the funeral directors, the cemeteries, the church groups and even the general public, who will be affected. It's sure that at one time or another in their lives or their loved ones' lives they will be affected by the changes we are making here today.

It has been suggested that all the problems may be solved by way of regulation. But with the greatest of respect, those who are out there and those who are on this side of the House are not willing to wait for the regulations.

Mr Marchese: Or to trust.

Mr Prue: Or to trust, perhaps. The regulations will come and there will be no force and effect from this side of the House, no force and effect from the general public. It will be done by ministerial fiat, as is the law, and that is not in keeping in terms of making this into a policy that can be accepted by everyone.

In fact, there are those who have stated to us on this side of House, to us in the New Democratic Party, that they believe the regulations may be weighted to those who have pecuniary interests, those who have the money and the wherewithal to make the changes. There are those who have stated to us categorically that they believe the changes will pose a significant threat to family businesses that have operated for one, two, three and sometimes even more generations in this province, primarily the family businesses and funeral parlours in cities, towns and villages throughout Ontario.

There are many commenting agencies that have set down their concerns. I'd just like to go through some of them here today. The faith groups have stated they have some very real problems with this bill. They believe the contents of the bill have been stacked in favour of for-profits—that is, what has been done will make much more sense to those groups out there in the funeral and cemetery business who are there to make a profit. Now, that is not a dirty word, not to anyone. It is not, because people are in business to make a profit. It's how they feed themselves and their families. It is how they do business. It is the whole concept of being independent. But it is believed by some in the faith groups that the bill is stacked in favour of the for-profits and against the religious institutions and municipalities.

Many of the small churches, secondarily, are worried about the potential of taxes. They are worried that they will have to pay taxes when they did not have to pay any in the past. They are worried about their ability to do so. A classic example—a parishioner from St John's Norway church in Beaches-East York approached me just the other day and talked about that cemetery plot. I know it well. My great-grandmother and my father-in-law are buried there. She was very concerned about the ability of that church, that parish, that group of individuals to sustain the cemetery in the long term if they are going to have to pay taxes. St John's Norway has provided graves for many people for whom they received no funds at the time of interment and receive no funds today. This struck home to me, because my great-grandmother—her name was Rachel Gillead—is buried in that churchyard. She is buried in what today we would call a pauper's grave. It is three-deep. Two other members of her extended family are buried in the same grave. There is no headstone. I am given to understand that they were all buried because the church allowed it although there was no money for headstones, the plot or anything else. In fact, that church maintains that site and has maintained it since her death some 50 years ago. I'm not sure how long my other extended relatives have been there, but they were there even before that. That is the problem some of the faith groups have.

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In terms of the independent funeral establishments, we have heard from them, particularly in the urban and small urban areas, that they believe they will have a problem, that they will not have access to cemeteries because all the land is swallowed up in places like Toronto, Ottawa and Hamilton. There's no land available to them so they can make the transition from funeral directors to cemeteries, whereas the cemeteries will have a much easier job going after the funeral parlours, because of course the land is secured and to simply get a building is much easier. They have a little bit of a problem with that.

They also have a problem with the big independents coming in, that they might be crowded out by one-stop service, where people think they're making it easy upon themselves to go and get one-stop service even if they do end up having to pay slightly more for it. It's much more convenient for bereaved families to simply go in, sit down with one person and make the whole deal rather than sit down with two.

We see the problems of medium-sized urban municipalities as well. They are most fearful, as they have commented to us, about corporate funeral establishments coming in to invade their markets. They are worried about big American, multinational and even big Canadian funeral establishments coming into smaller-city Ontario and taking over what was once family businesses.

We have the whole problem, which has been mentioned to us by many people, of the training of funeral directors. Right now they receive extensive training, and it is not clear from this bill whether people who work in cemeteries or in ancillary fields will be given the same kind of training, the training to be sympathetic; I think that is a learned trait as well as one that is heartfelt. There's a concern about the reduced trust one might have in funeral directors, who do not work on a commission basis and are oftentimes known to the people, either through family members, extended relatives, or friends or community; oftentimes families will go back to the same home again and again. What will happen if that trust is ever reduced?

They have talked about the tax regime for municipalities and whether the municipalities will be able to afford the additional taxes that will come upon them, or the lost revenue, on the other hand, that they may encounter should the municipal cemeteries be reduced in size, volume or scope.

They talk about the visitation centres, which will be given, under this bill, a five-year tax reprieve. This was something I found rather unique, because I hadn't realized they were going to be given a five-year tax reprieve. They have operated on the fringe—if not illegally, at least on the fringe—for a number of years, and now they're about to be rewarded. I take some solace and some understanding from a most unlikely group, probably, for a New Democrat to quote. We have here a letter from the Federation of Independent Business, 100,000 members strong and growing—

Mr Duncan: Old friends of yours.

Mr Prue: Old friends, and they make a very good point. This is a letter they wrote to Minister Hudak on September 20, 2002. It's a two-page letter; I'll just read the third-last paragraph into the record. It says, "Operators of existing 'visitation centres' on cemetery property and existing crematoria are being rewarded through a 'grandfathering' arrangement. So-called visitation centres operating as unregulated funeral sites confers an ongoing benefit to those who chose to break the rules. Crematoria will also be granted a continued five-year reprieve from taxes, a clear advantage over any new business proposed."

I'm not sure. This could be wrong; I don't know. But I believe that they should have an opportunity to speak to this issue, and that is what I'm saying, to go back to that. This is important that we go back.

We also have the whole problem of consumers. They need to be satisfied that there will be competition, because if this bill in fact does not increase competition; if it in any way reduces competition; if it closes down the number of cemeteries; if it reduces the number of funeral parlours because big multinationals come in with very large facilities; then in the end the consumer will not be the one who benefits. So what we are saying is that we need to be assured, and the public needs to be assured through the public process, that this is going to work and will in fact allow for more competition.

Most important, the problems that have been put forward by the Association of Municipalities of Ontario need to be canvassed. Most recently an Alert went out, a communication to all of the 480 or so municipalities in Ontario. This Alert went out on November 21, 2002, just four days ago, and it went to every single one of them. I think it's quite telling. In that Alert, about Bill 209, the Funeral, Burial and Cremation Services Act, which was just released that day, the Association of Municipalities of Ontario says, "On November 23, 2001, Bereavement Sector Advisory Committee ... submitted its report to the Minister of Consumer and Business Services. The report offered a number of recommendations aimed at meeting the minister's objectives, claiming it had broad consensus from committee members. However, municipal representatives on the committee have indicated that a broad consensus does not exist and a number of recommendations have the potential to negatively impact municipalities."

I believe they need to be heard, and what the municipalities and AMO have said on this very topic is important to all people. AMO is saying I think fundamentally that the abandonment of cemeteries to local municipalities, which could happen if they no longer remain profitable—church groups give them up, towns take them over—will cause a real problem to the municipalities and a real problem with their being able to deal with the social safety net. Many churches and religious groups are being able to provide cemetery services for the indigent and for the poor, and the municipalities may have to take this over. We know the municipalities are bleeding in many respects—from transit to hospitals to

education—we know that there is a whole problem of housing and a lack of municipal revenue. Please don't add another one without hearing them.

They have also said there is a failure to guarantee funding or financial tools for abandoned cemeteries, so that if and when cemeteries are abandoned the municipalities will have a problem in paying to keep them going. They have said, third, that there is an unlevel playing field being established by this act that they would like to comment on. They do not believe that it is in the municipal interest for it to proceed as it is.

They have stated, fourth, that the requirement will be for the municipalities to tax themselves. This is rather unusual, that they would tax themselves, but then the really unusual problem, as they see, is that the money would have to be turned over to a bereavement fund and not to the municipal reserves. At present I understand that some of the money may go to the municipal reserves, but this is money that offsets taxes for those who are still living, as opposed to turning it over to a bereavement fund.

Hon Mr Clark: You've got two minutes. Give me something positive.

Mr Prue: I am, I am. The tax incentives for additional cemeteries may go to the abandoned cemeteries. So the tax incentives that municipalities used to get may not be there.

They believe also that it may create unfavourable market conditions for consumers, although they have not expanded on this for me to know why they think this.

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Last but not least, they say that allowing a single regulatory body is not in the consumers' interests or in the interests of church groups or municipalities.

Having said all that, is there something positive? Of course there is something positive. When you take an old act or two acts that are 100 years old—just like the Municipal Act, when I first got here—when you take an old act and attempt to reform it, you cannot help but do some good things with it. I believe there is an honest and sincere effort being made here to do something good with those acts, to bring Ontario into the 21st century, to do what is necessary to assist the consumers and to bring reality to a changing funeral market and a cemetery market and a market where people are choosing to be cremated. But it needs to be done with slowness; it needs to be done with consultation; it needs to be done with all of the stakeholders being present; and quite frankly it needs to be done with a great deal of public sympathy and an opportunity for groups to come forward.

This is a bill that, as I believe I said earlier, sparked no interest in me until I started to read it and to go into the history of it and the economics of it and all the other things that are contained within this bill. It's an important bill that I believe the general public and the communities abroad in Ontario need to discuss. I would suggest to the minister that it would not be untoward to schedule as much as a week of hearings on this. I would not have said this—

Hon Mr Hudak: I thought you said four weeks.

Mr Prue: Four weeks, if you want.

I would not have said this prior to my reading of this bill yesterday and today.

Hon Mr Clark: You just don't want to go home for Christmas.

Mr Prue: Yes, I do. I want to go home very much for Christmas, but I also want the people of Ontario to have the opportunity to comment on this, and they can only do it if you proceed to the committee stage, and not to closure as you have done on other bills. So I'm asking you to do that.

The Acting Speaker: Members now have up to two minutes for questions and comments.

Mr R. Gary Stewart (Peterborough): I too want to make some comments on this. Much like the member from Algoma-Manitoulin, I also am a licensed funeral director and retain my licence on a yearly basis, so I too feel that I have a little bit of knowledge on this, having graduated in 1960, which seems like a long time ago, from the University of Toronto and the Banting Institute, the latter of which no longer exists.

Interjection: The minister wasn't born.

Mr Stewart: The minister wasn't born then; that's right.

I want to make a comment about when I listened to folks saying there was no consultation on this particular bill. I was asked by the then minister, who would be Minister Sterling, to chair a group, along with my co-chair, the member from Lambton-Sarnia, Marcel Beaubien, and we had a group of about a dozen and a half people there. They represented the funeral industry, funeral homes; they represented cemeterians, both public and private, as well as church cemeteries; we had public advocates on it; we had members from the memorial society, from the various cemetery associations; we had members from the monument field as well. So we had good representation, excellent consultation for about a dozen to 15 times, and we came up with recommendations that were passed on to Judge Adams, who was later appointed. Indeed, Judge Adams confirmed many of the recommendations that we arrived at, the consensus from these people. Those recommendations are in this bill and I will speak to them later on.

Mr Dave Levac (Brant): I appreciate the opportunity to lend my two-minute toward the member from Beaches-East York, who outlined very importantly the concerns and some of the issues that have been brought to light after his reading of the bill—and the members from Essex and Manitoulin.

Member Stewart indicated the consultation, and I want him to know that what I did in my riding when I received the package, which was graciously sent to each MPP, in terms of the consultation papers. I did forward them to all of those who were involved in this, including the city, who own cemetery plots, and the Catholic Church etc. I want him to know that we received information back. They started setting up meetings with me in my constituency office because this was the first time they'd heard about it. By sending it to them—I don't know why they wouldn't have gotten a copy. But this consultation

process that everyone seems to want to talk about and take credit for needs to process a little bit better than that, because quite frankly a lot of the areas that I'm representing did not know what was going on and were quite surprised about what was happening.

The members on this side believe, and I know that the Minister of Transportation has even indicated, that going to committee is the right thing to do because there is going to be need for more input from the people who are affected by this. Because we do that, what we're now saying is that there is a process problem and, very similar to what's been happening to many other bills, the claim of consultation always gets laid in the front and the bill gets drafted and then, bang, you get that time allocation, where there's no possible reason why we shouldn't be adding that extra time after the legislation is finished to ensure that those who are going to be directly affected have an opportunity for input.

When we don't get that process started right from the beginning, what's always going to happen is that you're going to alienate an awful lot of the people who need to give input on it—consumer groups. Particularly in my riding, not one of them had an opportunity to answer the concern for the consultation. I'm hoping that we'll improve that process.

Interjections.

The Acting Speaker: We don't seem to be quite ready. I was trying to get you to be quiet, and I guess I was failing. So please be quiet.

Mr Marchese: I wanted to congratulate the member from Beaches-East York for raising the concerns, which is our job, right? I was listening to the Minister of Transportation. Perhaps I didn't hear him very well, but I don't remember the Minister of Transportation, when he was here on this side and we were there, standing up and saying, "Yeah, you guys consulted so much on employment equity. Let's just get it out for a day or two and that's all we're going to need for that bill."

Hon Mr Sterling: Yes, we did.

Mr Marchese: No, no, Normie. And I don't remember on rent control your standing up and saying, "Yeah, you guys consulted for years with the tenants. We don't need any more debate. Just send it out for a day and we're quite happy with that." I don't remember your standing up—

Hon Mr Sterling: Your memory is failing.

Mr Marchese: No, no, Norm.

Interjection.

Mr Marchese: We gave you four weeks for employment equity to beat us up on your equity bill, as you called it, right? We gave you four weeks to beat us up on the rent control act so you could go out with the guys, the greasy guys, to get them to beat us up as well. Four long weeks we gave you. You weren't standing up in line to say, "We know you consulted. Let's just get through this right away."

Mr Bill Murdoch (Bruce-Grey-Owen Sound): We beat you up for five long years.

Mr Marchese: I do remember that.

Norm, I've got to tell you, we're not asking for four weeks on this bill, because we're reasonable folks, but at least a couple of days so people could be heard. That is our job, and remember, we don't have a consumer watchdog to do the job for us. The minister says, "Leave it to me." No, Minister, we can't leave that job to you. People don't trust you guys to be their consumer watchdogs, right? We're advocating for a consumer watchdog in every sector imaginable, because I'm telling you, unless you've got a consumer watchdog—he ain't so very good at protecting, no siree.

So we need hearings. We need people to be heard. That's all we're advocating, so people can come and raise their concerns so that we can hear them.

Hon Mr Hudak: We should probably step back a couple of years. I think what my predecessors used to hear would be a group coming forward maybe from the funeral services industry—and I'm going to exaggerate for the sake of the argument—saying, "We want this changed, this changed, and that changed, but don't change anything for the cemeteries or for the religious sector or for the municipalities." And the cemetery guys would come forward and say, "Make this change, allow combinations, but don't do what the funeral guys want, or don't do what the municipalities want, or don't do what the faith community wants." Then the municipalities would come forward—you get the point, I think.

Instead, in his wisdom, Minister Sterling set up the advisory committee with Justice Adams, and had all the players around the table to try to build consensus on the principles, whether it's consumers or cemeteries or funeral services. Yes, there's give and take in any part of that process, but I think at the end of the day folks got more of what they wanted and much further than the mess that had happened before, the one-on-one lobbying. So I think the process was outstanding.

And to be clear, the member opposite brought up some points. Yes, the municipally-owned funeral parlour or visitation centre, what have you, would have to pay taxes. You could say that's a criticism of the bill. But if there's an independent small business across the street from that funeral home, competing against the municipality, I think it's only fair that they would pay taxes equally on the property; the same on the faith-based community if they're running a funeral home or a monument builder or a casket maker—it's a level playing field. It's fair, and I would hope the members would support that.

Secondly, the member opposite talked about a five-year holiday for visitation centres and such. To be clear,

that's not in the legislation. I think if he had a chance to review it, he would probably see that visitation centres or casket makers or monument builders on cemetery property would pay property taxes right away. There is an exception for existing crematoria that have historically never paid. New ones would pay taxes, and the rest after a five-year transition period.

The Acting Speaker: The member for Beaches-East York has up to two minutes to respond.

Mr Prue: I would thank the member from Trinity-Spadina, the member from Peterborough, the Minister for Consumer and Business Services, and the member from Brant.

Much has been said, but I'd like to go back to the primary thrust of my argument, and that is that we need to do further consultation. As much as the members opposite say that there is nothing wrong with the bill—and perhaps there is nothing wrong—there are people out there who need to assuage their fears, there are people out there who have a fundamental need to talk about what should be contained within the bill. There are municipalities that may be financially impacted by this bill in terms of taxes or their operations. There are problems with independent industry within the funeral parlours. There are problems with the cemeteries themselves, that they need to be able to make sure they will operate in a way which will be in the community interest. This is particularly true of small cemeteries and in rural and northern communities. We need to make sure that all of those places remain open and remain accessible to the people who continually go to visit them, either for peace and solitude or to visit loved ones and the gravesites of loved ones. We cannot for a moment simply turn our back on 100 years of history in this province and on circumstances that have worked, I think, to the betterment of most people.

Most people, if you would ask them today, have really had very few or no problems when having to bury a loved one. There are complaints from time to time—and I will acknowledge them—there is a need for the legislation to upgrade and to be brought into the 21st century because of changes that are taking place in funerary practice, but it can and must be done slowly, and I would ask the members opposite to ensure that there is at a minimum at least one week of hearings so the public can satisfy themselves that it is in the best interests.

The Acting Speaker: It now being well after 9:30, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2133.

LEGISLATIVE ASSEMBLY OF ONTARIO
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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